



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands




SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

MEMORANDUM

To: Members of the Commission

From: Nancy Wittenberg 
Executive Director

Date: August 1, 2018

Subject: Summary of the August 10, 2018 Meeting Packet

Minutes

The July 13, 2018 Commission Meeting minutes and attachments are included in your packet.

Public Development Applications

The following public development applications are being recommended for approval with conditions:

1. **Application Number 1990-0868.029/NJ State Forest Fire Service**, Bass River Township, Preservation Area District, Clearing of 16.4 acres of trees to restore visibility from the Bass River State Forest fire tower.
2. **Application Number 1985-0160.001/New Jersey Department of Environmental Protection**, Washington Township, Preservation Area District, Demolition of the Grist Mill Lean-To.
3. **Application Number 1985-1053.008/New Jersey National Guard**, Springfield Township & Borough of Wrightstown, Military and Federal Installation Management Area, Installation of a 17,856 square foot solar panel canopy elevated above an existing stone parking area at Joint Base McGuire Dix Lakehurst.
4. **Application Number 1989-0781.005/Medford Township**, Medford Township, Preservation Area District and Special Agricultural Production Area, Reconstruction of Carol Ida Dam.

Waiver of Strict Compliance Applications

Two Waiver of Strict Compliance applications are being recommended for approval with conditions. Each application proposes the development of one single family dwelling.

One Waiver of Strict Compliance application is being recommended for denial. The application proposes the development of a single family dwelling. The applicant is interested in having the State of New Jersey purchase the parcel under the Limited Practical Use Program.

Letter of Interpretation

One Pinelands Development Credit Letter of Interpretation (attached) was issued since the last Commission meeting, allocating 3.50 PDCs to 74.34 acres.

Off-Road Vehicle Event Route Map Approval

No Off-Road Vehicle Event Route Map Approvals were issued since the last Commission meeting.

Planning Matters

Two municipal ordinances, Egg Harbor Township Ordinances 12-2018 and 19-2018, are being recommended for certification at this month's meeting. The ordinances adopt affordable housing and Pinelands Development Credit requirements applicable in the Township's RG-4 and RG-5 (Residential) Zones.

Master Plans and Ordinances Not Requiring Commission Action

We have included a memorandum on seven ordinance amendments that we reviewed and found to raise no substantial issues with respect to CMP standards. These amendments were submitted by Berkeley Township, Egg Harbor Township, Hamilton Township, Lacey Township, Waterford Township, Weymouth Township and Woodbine Borough.

Other Items

Also included in this month's packet is:

1. A resolution to approve the Fiscal Year 2019 Budget is included in the packet. This resolution is recommending the adoption of the Pinelands Commission's Fiscal Year 2019 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Fund, Katie Trust Fund and the Pinelands Conservation Fund, with supporting documentation. The FY 2019 Operating Budget is \$5,915,074. The Kirkwood Cohansey Aquifer Assessment fund balance is sufficient to cover the Study's FY 2019 Budget of \$115,270. The Katie Trust Fund is new for FY 2019, consisting of \$15,000 in landscaping remodeling for the Katie Memorial Garden. The self-supporting Pinelands Conservation Fund FY 2019 Budget totals \$863,397, of which up to \$276,457 of land acquisition is anticipated;
2. A resolution to approve the Commission's 2017 Annual Report; and
3. A list of pending Public Development and Waiver of Strict Compliance Applications for which public comment will be accepted at the August 10, 2018 Commission meeting.

Closed Session

The Commission may need to convene into closed session.

Please note that future meetings and office closure dates, as well as any Pinelands-related activities of interest, are listed at the bottom of the agenda.

/ PC1



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NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, August 10, 2018

Richard J. Sullivan Center for Environmental Policy and Education

Terrence D. Moore Conference Room

15C Springfield Road

New Lisbon, New Jersey

9:30 a.m.

1. Call to Order
 - Open Public Meetings Act Statement
 - Roll Call
 - Pledge Allegiance to the Flag
2. Election of Vice-Chair
3. Committee Assignments
4. Adoption of Minutes
 - July 13, 2018
5. Committee Chairs' and Executive Director's Reports
6. Matters for Commission Consideration *Where the Record is Closed*
 - A. Permitting Matters
 - Office of Administrative Law
 - None
 - Review of Local Approval
 - None

- Public Development Projects and Waivers of Strict Compliance
 - Approving With Conditions an Application for Public Development and Certificate of Appropriateness (Application Number 1990-0868.029)(tree clearing to restore visibility from the Bass River State Forest fire tower.);
 - Approving With Conditions Applications for Public Development Application Numbers 1985-0160.011(Demolition of the Grist Mill Lean-to at Batsto), 1985-1053.008 (solar panel canopy at the Joint Base McGuire Dix Lakehurst) & 1989-0781.005 (Reconstruction of the Carol Ida Dam in Medford Township.)
 - Approving With Conditions Applications for Waivers of Strict Compliance (Application Numbers 2003-0456.001 & 2004-0352.001)
 - Denying an Application for a Waiver of Strict Compliance (Application Number 2007-0398.001)

B. Planning Matters

- Municipal Master Plans and Ordinances
 - Issuing an Order to Certify Ordinances 12-2018 and 19-2018, Amending Chapter 225 (Zoning) of the Code of Egg Harbor Township
- CMP Amendments
 - None

7. Public Comment on Public Development Applications and Waivers of Strict Compliance (see attached list) and Resolutions ***Where the Record is Not Closed*** (to ensure adequate time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.)

8. Master Plans and Ordinances Not Requiring Commission Action

- Berkeley Township Ordinance 18-22-OAB
- Egg Harbor Township Ordinance 34-2018
- Hamilton Township Ordinance 1879-2018
- Lacey Township Ordinance 2018-20
- Waterford Township Ordinance 2018-13
- Weymouth Township Ordinance 563-201
- Woodbine Borough Ordinance 574-2018

9. Other Resolutions

- To Adopt the Pinelands Commission's Fiscal Year 2019 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund, Katie Trust Fund and the Pinelands Conservation Fund
- To Approve the New Jersey Pinelands Commission's 2017 Annual Report

10. General Public Comment (*to ensure adequate time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.*)

11. Resolution to Retire into Closed Session (if needed) – Personnel, Litigation and Acquisition Matters (*The Commission reserves the right to reconvene into public session to take action on closed session items.*)

12. Adjournment

Upcoming Meetings

Unless otherwise noted, all meetings/events are conducted at the offices of the Pinelands Commission in New Lisbon

Fri., August 24, 2018	Policy and Implementation Committee Meeting (9:30 a.m.)
Fri., Sept. 14, 2018	Pinelands Commission Meeting (9:30 a.m.)
Tues., Sept. 18, 2018	Personnel and Budget Committee Meeting (9:30 a.m.)

Upcoming Office Closures

Monday, September 3, 2018 Labor Day



Pinelands Commission and Committee meeting agendas are posted on the Commission's Web site and can be viewed at www.nj.gov/pinelands/. The agendas are also posted and can be viewed at the Pinelands Commission Offices, 15 Springfield Road, New Lisbon, New Jersey or for more information on agenda details, e-mail the [Public Programs Office](mailto:Info@pinelands.nj.gov) at Info@pinelands.nj.gov or call (609) 894-7300.

PINELANDS COMMISSION MEETING
Richard J. Sullivan Center
Terrence D. Moore Conference Room
15 Springfield Road
New Lisbon, New Jersey

MINUTES

July 13, 2018

Commissioners present

Bob Barr, Giuseppe Chila, Jane Jannarone, Ed Lloyd, Mark Lohbauer, William Pikolycky, Richard Prickett, Gary Quinn and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Craig Ambrose and Deputy Attorney General (DAG) Bruce Velzy.

Commissioners Participating by Phone

Candace Ashmun & Jordan P. Howell.

Commissioners Absent

Alan W. Avery Jr., Paul E. Galletta and D'Arcy Rohan Green.

Chairman Earlen called the meeting to order at 9:31 a.m.

DAG Velzy read the Open Public Meetings Act Statement.

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 11 Commissioners who participated in the meeting.)

The Commission and public in attendance pledged allegiance to the Flag.

Minutes

Chairman Earlen presented minutes from the June 8, 2018 Commission meeting. Commissioner Prickett moved the adoption of the minutes. Commissioner Barr seconded the motion.

The June 8, 2018 Commission meeting minutes were adopted by a vote of 10 to 0. Commissioner Chila abstained from the vote.

Committee Chairs' Reports

Chairman Earlen said there were no Committee meetings.

Executive Director's Reports

ED Wittenberg updated the Commission on the following:

- A meeting with Jonathan Meade from the National Park Service (NPS) was cancelled. The Commission has been without a NPS appointee for over a year. The meeting will be rescheduled and, at that time, staff will brief Mr. Meade on past collaboration between the Commission and NPS and goals for the future.
- A joint site visit with the Federal Aviation Administration (FAA), the South Jersey Transportation Authority (SJTA), the New Jersey Department of Environmental Protection (NJDEP) and the Commission was rescheduled for August to view existing bird habitat adjacent to the runway at the Atlantic City Airport. SJTA will be attending a future Policy and Implementation Committee meeting to discuss its proposal to amend the existing Memorandum of Agreement.
- Internal budget meetings were held to prepare the FY 2019 Budget. Adoption of the final budget is expected to occur at the August Commission meeting.
- Construction in what used to be the tech center and reception area has begun. The next step is the installation of the actual exhibits.

ED Wittenberg introduced new Commission employee Matt Martin, who joined the Information Systems office in June.

Director Larry Liggett updated the Commission on the following matters:

- An existing Memorandum of Agreement (MOA) with the Buena Borough Municipal Utilities Authority and Buena Vista Township that required the installation of a membrane system at the wastewater treatment plant has produced very positive results over a two-year monitoring period. The plant can now expand to 600,000 gallons of flow per day.
- The New Jersey Department of Environmental Protection contacted Commission staff about existing Pinelands Infrastructure Trust funds remaining from a 1985 bond issue. The funds can only be allocated to projects in Regional Growth Areas. A call has been scheduled for next week to further discuss the parameters of the funds and the next steps in the process for identifying projects.

Director Chuck Horner provided information on the following Regulatory matters:

- On June 22nd, staff met with the Mayor of Pemberton Township to continue the discussion of extending sanitary sewer to two existing schools currently served by

an onsite treatment system. In order to run sanitary sewer to the schools, sewer lines would need to be constructed in an Agricultural Production Area. The schools themselves are located in a Rural Development Area. Both management areas do not permit sewer.

- Staff will be attending an Atlantic County Agriculture Development Board hearing on August 15, 2018 regarding a Right to Farm issue.
- Staff recently issued a Certificate of Filing for a residential development project in Evesham Township. The original project proposed 34 dwellings on the 138 acre parcel, but due to the presence of wetlands and threatened and endangered species, the number of dwellings was reduced to 17, with the remainder of the property protected as open space.

Director Horner said that during the June Commission meeting Commissioner Lohbauer questioned why the Evesham solar project panels were not being placed on the existing school roof. He said the applicant's engineer advised him that it was not economically feasible and placing the panels on the roof raised structural concerns.

DAG Velzy updated the Commission on the following litigation matters:

DAG Velzy said Shamong Township withdrew a complaint against the Pinelands Commission related to a cell tower application. Shamong Township had met with Commission staff to discuss a proposed cell tower project in a Rural Development Area (RDA). At that meeting, Commission staff advised Shamong Township that it would need to look for sites in the Regional Growth Area. Soon after that meeting, the cell tower provider met with Commission staff. Staff advised the provider that it needed to look at placing the tower in a Regional Growth Area. Two cell tower providers ultimately submitted Pinelands Development Applications to construct cell towers in a Regional Growth Area within Shamong Township. Certificates of Filing were issued. The cell tower providers submitted applications for site plan approval to the Shamong Township Planning Board, which were ultimately denied. One of the providers, Tower North, sued the Shamong Township Planning Board in Superior Court. The Planning Board subsequently filed a third-party complaint against the Commission. Shamong Township Planning Board has since decided to withdraw its third party complaint against the Commission.

DAG Velzy said the Appellate Division issued a decision related to soccer activities at Tuckahoe Turf Farms on Thursday, July 12, 2018. He said the issue stems back to 2013. He said the Commission issued no call up letters for the Town of Hammonton Planning Board and Waterford Township Planning Board approval that authorized soccer activities with limitations at the turf farm. Several organizations appealed these no call up letters. In 2016, the Legislature amended the Pinelands Protection Act to include soccer and soccer activities as low intensity recreational uses permitted in an Agricultural Production Area. The Appellate Division held that this legislation made moot any further litigation regarding the 2015 and 2016 approvals. The Appellate Division also found that the Executive Director properly determined that the review of the municipal approvals did not require a hearing before the Office of Administrative Law or the Commission. The Appellate Division also held that amendment of the Comprehensive Management Plan (CMP) was

not required, because the language used in the Legislation is very clear. Finally, the Appellate Division found that the State Agriculture Development Committee (SADC) deed restriction on a portion of the Tuckahoe Turf farm was a matter that needed to be addressed with SADC and was not ripe for review in the appeal.

Chairman Earlen asked DAG Velzy what organizations appealed the decisions.

DAG Velzy said the Pinelands Preservation Alliance and the New Jersey Conservation Foundation appealed the decision.

Ms. Stacey Roth added that the Appellate Division's decision affirmed that the Executive Director has the authority to settle a matter prior to a public hearing as long as there are no substantial issues remaining concerning the developments compliance with the requirements of the CMP.

Chief Planner Susan R. Grogan announced that for the first time ever, a project in Jackson Township will be using Pinelands Development Credits for residential development in the Regional Growth Area, under an ordinance the Commission approved a couple of months ago. She said the developer recently purchased 14 rights.

Communications Officer Paul Leakan updated the Commission on the following:

- Exhibit artifacts have been delivered to Minnesota. The designers will now incorporate the artifacts into the displays.
- The July 19th Summer Pinelands Short Course is still accepting registrations.
- On July 24th, the Commission will hold the Pinelands Orientation for Newly Elected Officials. The event is held in combination with the Pinelands Municipal Council meeting.

Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending approval for the construction of a traffic ramp from Amelia Earhart Blvd. to Tilton Rd. in Egg Harbor Township.

Commissioner Barr moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1984-0655.032) (See Resolution # PC4-18-19). Commissioner Lohbauer seconded the motion.

The Commission adopted the resolution by a vote of 11 to 0.

Chairman Earlen presented a resolution recommending approval for the construction of a 121,000 square foot elementary school in Pemberton Township and the demolition of the Alexander Denbo Elementary School.

Commissioner Prickett said he would be recusing from the vote and left the room.

Commissioner Lohbauer moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1985-0726.010) (See Resolution # PC4-18-20). Commissioner Jannarone seconded the motion.

The Commission adopted the resolution by a vote of 10 to 0.

Commissioner Prickett returned to the dais.

ED Wittenberg said the Commission will need to defer action on the Bass River State Forest Fire Tower application, that proposes to clear 16.4 acres to restore visibility from the tower. She said the Commission received a third party appeal on the application. She said there is currently pending litigation related to third party appeals stemming from the New Jersey Natural Gas application, so the appeal was forwarded to the Attorney General's for review. She added that deferring the application does not have anything to do with the substance of the application.

DAG Velzy added that on July 10, 2018, Commissioner Lohbauer and Commissioner Prickett circulated an email, with a memo attached, that proposed changes to the Bass River Forest Fire Tower resolution. The email was sent to the Chairman, the Executive Director and Commissioners. He said in order to be in compliance with the Open Public Meetings Act, the email and memo will be attached to the minutes so there is a public record.

ED Wittenberg said she advised the New Jersey Department of Environmental Protection that its application would not be acted on today.

Chairman Earlen presented a resolution recommending approval for forestry activities on 64 acres in Brendan T. Byrne State Forest located in Pemberton Township.

Commissioner Prickett moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1996-1386.003) (See Resolution # PC4-18-21). Commissioner Barr seconded the motion.

Commissioner Prickett said the report mentions the use of herbicide to control invasive species. He asked what type of invasive species the NJDEP trying to control.

Director Horner said he did not know the specific invasive species, but normally it's the seed bank they are trying to control.

The Commission adopted the resolution by a vote of 11 to 0.

Public Comment on Public Development Applications and Items where the record is open

Chairman Earlen said the list includes three public development applications and three Waivers of Strict Compliance.

Commissioner Lohbauer asked if staff could provide information on the lean-to proposed to be demolished at Batsto Village.

Mr. Ernest Deman of the Regulatory Programs office said the grist mill lean-to has deteriorated and become unsafe, requiring its removal. He said that the lean-to has been reconstructed twice over the last 65 years. He added that if it is determined that any portion of the lean-to is of historical significance, it will be preserved.

No members of the public spoke.

Ordinances Not Requiring Commission Action

Chairman Earlen asked if any Commissioners had questions regarding the ordinances not requiring Commission action:

- Barnegat Township Ordinance 2018-18
- Berlin Township Ordinance 2018-5
- Egg Harbor Township Ordinance 21-2018
- Lacey Township Ordinance 2018-16

No members of the Commission had questions.

Other Resolutions

Chairman Earlen presented a resolution recommending approval to allow the Commission to purchase items necessary for operation until the adoption of the Fiscal Year 2019 budget is adopted.

Commissioner Lloyd moved the adoption of a resolution To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2019 at the Same Level of Expenditures as Fiscal Year 2018 until the Adoption of the Fiscal Year 2019 Budgets. (See Resolution # PC4-18-22). Commissioner Lohbauer seconded the motion.

The Commission adopted the resolution by a vote of 11 to 0.

Long Term Economic Monitoring Presentation

Resource Planner Gina Berg said the 2017 report uses data from 2015 and 2016. Many of the past core indicators and variables remain the same. She described the updates made to the 2017 report and proceeded to highlight each category of the report (See presentation slides for further details).

Link to 2017 Long Term Economic Report:

[https://www.nj.gov/pinelands/landuse/current/economic/LTEM%20%202017%20Report%20\(Complete\).pdf](https://www.nj.gov/pinelands/landuse/current/economic/LTEM%20%202017%20Report%20(Complete).pdf)

General Public Comment

Chairman Earlen reminded the public that the public comment for the Bass River State Forest Fire tower is closed.

Dr. Jonathan Peters said he thinks the data presented in the Long Term Economic Monitoring report is actually more positive than what currently exists because per capita income is down. He passed around a handout on outdoor recreation data from 2001 (see attached) He suggested that the Commission be thoughtful and slow when making policy changes to preserve the environment and maintain the economic vitality of the Pinelands.

Katie Smith of the Pinelands Preservation Alliance (PPA) raised concerns about not being able to comment on the Bass River Fire Tower application. She informed meeting attendees about upcoming events at PPA.

Ms. Roth said there is language contained in the CMP specifically for public development applications stating that no new information can be included in the record once the Executive Director's report has been issued.

Rose Sweeney of Bass River Township asked the Commission if there was any other opportunity to provide comment to the Commissioners about the Bass River State Forest Fire application.

Chairman Earlen advised Ms. Sweeney that the public comment for the application closed at 5:00 p.m. on June 8th.

Commissioner Chila he said he understands the public comment is closed but questioned why the Commission could not listen to the comment on the Bass River Township application.

Ms. Roth said no additional information can be provided to Commissioners between the period of when the record for an application closes until a vote on the matter takes place. She said any comment becomes part of the record and could have an effect on one's decision.

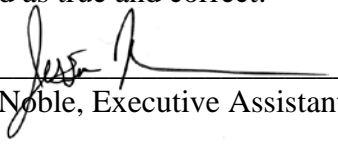
Ms. Roth said the process for public comment regarding public development applications was adjusted so that the public comment would be heard at the Commission meeting prior to the Commission meeting where the matter would be voted on.

A brief discussion between Commissioner Lloyd and Ms. Roth occurred concerning the Commission's ability to extend the public comment period for a public development application.

Adjournment

Commissioner Prickett moved to adjourn the meeting. Commissioner Barr seconded the motion. The Commission agreed to adjourn at 10:49 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: July 30, 2018

-----Original Message-----

From: Mark Lohbauer

Sent: Tuesday, July 10, 2018 9:20 PM

To: Sean Earlen; Candace Ashmun; Alan Avery; Bob Barr; Joe Chila; Paul Galletta; Jordan Howell; Jane Jannarone; Edward Lloyd; Gary Quinn; D'Arcy Rohan-Green; William Pikolycky

Cc: Rick Prickett; Wittenberg, Nancy

Subject: Recommended amendment to Application Number 1990-0868.029, NJ State Forest Fire Service, Bass River Township

Chairman Earlen and fellow Commissioners:

Commissioner Prickett and I looked at the office file on the Bass River Fire Tower application last week, and each of us concluded that inadequate consideration is being given by the applicant to potential alternatives to clearcutting in response to the Forest Service's ongoing problem with trees overgrowing and obstructing their fire tower post. While their plan has been dramatically modified from its original version in order to minimize damage to habitat of potential T/E species, it still poses unsatisfactory risks without taking care to demonstrate that clearcutting is their best alternative. Meanwhile, the public has turned out in response to this application in significant numbers, and they've provided evidence to demonstrate that other meaningful options are available to the Forest Fire Service.

We've drafted a memo, attached below, to propose a way to give those alternatives more deliberate consideration. See you all on Friday!

Mark Lohbauer

To: Sean Earlen, Chairman
Pinelands Commissioners
Nancy Wittenberg, Executive Director

From: Commissioner Lohbauer
Commissioner Prickett

Re: Application Number 1990-0868.029/NJ State
Forest Fire Service, Bass River Township,
Preservation Area District, Clearing of 16.4 acres
of trees to restore visibility from the Bass River
State Forest fire tower.

Date: July 10, 2018

We have reviewed the full file for the above application at the Commission's office. Based upon that review, we make the following observations and recommendations to the Commission.

First, we fully support the diligent efforts of the New Jersey State Forest Fire Service to prevent forest fires. We also note that the Legislature recognized in enacting the Pinelands Protection Act that there is a "natural cycle of forest fires in this unique area" N.J.S.A. 13:18A-2.

The Legislature also found that

the pinelands area comprises pine-oak forests, cedar swamps, and extensive surface

and ground water resources of high quality which provide a unique habitat for a wide diversity of rare, threatened and endangered plant and animal species and contains many other significant and unique natural, ecological, agricultural, scenic, cultural and recreational resources

Id.

We believe that the Commission can support the prevention of forest fires and protect Pinelands resources as well. These two goals are compatible and not mutually exclusive.

With these goals in mind, we are writing to share some additional information that was included in the application file. The file included copies of a resolution from 1995 in which the Service asked to clear-cut 4.1 acres to the North, East, and South of the Bass River Tower to restore visibility for fire prevention. In 1995, the public proposed alternatives to cutting trees including a video camera system. DEP rejected these alternatives stating that it had no funding for alternatives. DEP also stated that replacing the fire tower was too costly in 1995. The Commission approved the application in December, 1995. A member of the public, Bob Blumberg, appealed the decision to the Office of Administrative Law. A settlement was reached to reduce the clear-cutting to 2.7 acres,

which were apparently clear-cut. Today, 23 years later, the Service requests that we approve a nearly identical application. There is no indication in the application file that any alternatives were considered.

Alternatives to clear-cutting forests have become even more effective in the years since 1995. On the west coast, where forest fires are much more frequent, expansive, and deadly, millions of acres are protected by a 24/7 video cam/software detection system called "Forest Watch." It is much more rapid and effective than human-eye detection, and more precise at determining event locations.

A draft letter to the applicant dated June 22, 2018 was also included in the application file. It included the following:

The tree clearing proposed in this application identifies the opportunity to the New Jersey Department of Environmental Protection (NJDEP) and [t]he Pinelands Commission to initiate discussions regarding the age of existing fire towers in the Pinelands Area, the possible future need to reconstruct[ion] those towers, the future tree clearing necessary to ensure visibility for fire towers, and the role of alternate technologies in detecting forest fires.

This language was not included in the materials furnished to the Commission in the Board packet.

In light of the foregoing, we recommend that the Commission add the following provision to the resolution before us.

“The Pinelands Commission staff will develop an ecologically friendly plan to avoid the need to clear-cut forests in the future. The staff will work with the New Jersey Forest Fire Service and the DEP to examine the age of existing fire towers in the Pinelands Area, the possible future need to reconstruct those towers, the future tree clearing necessary to ensure visibility for fire towers, and the role of alternate technologies including video cameras and an associated software detection system in detecting forest fires. The plan will include an analysis of currently available methods of early forest fire detection, and will recommend to the Commission, the New Jersey State Forest Service, and the NJDEP, how they may jointly implement the best method available to detect forest fires. The Pinelands Commission staff will submit the plan to the Commission for its consideration no later than February 1, 2019.”

With the exception of the foregoing comments, the proposal has redeeming qualities that are not apparent in the application in the Board packet:

- 1) Careful thought has gone into the protection of T/E species, in this case snakes and bird species;
- 2) The use of herbicides has been eliminated from the applicant's request;
- 3) The 7 areas to be cut will be cut in stages over two years, with re-planting of native and CCC-introduced non-native species (except White Pine, which creates most of the obstruction);
- 4) The approach is intended to foster the creation of new habitats that would increase plant and animal diversity.

Based upon these observations, we recommend that the following language also be added to the resolution:

“In order to better protect the habitat of threatened and endangered species and to preserve forest landscapes, in future proposals to clear-cut trees to address visibility limitations at fire towers, the Commission will examine whether the new trees anticipated to be planted pursuant to this application have been established “(by virtue of reaching at least ten feet (10’) in height, or at least five (5) years of age). In the

event that new obstructions were to obscure the view from a fire tower and pose a threat to effective forest fire detection during that interim, the Commission will consider whether the use of video camera and computer technology or the topping any obstructing trees may be a preferred alternative to clear-cutting those trees.”



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 19

TITLE: Approving With Conditions an Application for Public Development (Application Number 1984-0655.032)

Commissioner Barr moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

1984-0655.032
Applicant: South Jersey Transportation Authority
Municipality: Egg Harbor Township
Management Area: Pinelands Regional Growth Area
Date of Report: June 21, 2018
Proposed Development: Construction of a 1,418 linear foot traffic ramp from Amelia Earhart Boulevard to Tilton Road.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 1984-0655.032 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun	X				Howell	X				Prickett	X			
Avery			X		Jannarone	X				Quinn	X			
Barr	X				Lloyd	X				Rohan Green			X	
Chila	X				Lohbauer	X				Earlen	X			
Galletta			X		Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

 Nancy Wittenberg
 Executive Director

Date: July 13, 2018

 Sean W. Earlen
 Chairman



State of New Jersey
 THE PINELANDS COMMISSION
 PO Box 359
 NEW LISBON, NJ 08064
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General Information: Info@pinelands.nj.gov
 Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

June 21, 2018

Steve Mazur
 South Jersey Transportation Authority
 101 Atlantic City International Airport, Suite 106
 Egg Harbor Township, NJ 08234


Re: Application # 1984-0655.032
 Amelia Earhart Boulevard & Tilton Road
 Block 101, Lots 2 - 4
 Egg Harbor Township

Dear Mr. Mazur:

The Commission staff has completed its review of this application for construction of a 1,418 linear foot traffic ramp from Amelia Earhart Boulevard to Tilton Road. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its July 13, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

 Charles M. Horner, P.P.
 Director of Regulatory Programs

Enc: Appeal Procedure

- c: Secretary, Egg Harbor Township Planning Board (via email)
- Egg Harbor Township Construction Code Official (via email)
- Egg Harbor Township Environmental Commission (via email)
- Atlantic County Department of Regional Planning and Development (via email)
- Jennifer Steen, PE (via email)





State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

June 21, 2018

Steve Mazur
South Jersey Transportation Authority
101 Atlantic City International Airport, Suite 106
Egg Harbor Township, NJ 08234

Application No.: 1984-0655.032
Amelia Earhart Boulevard & Tilton Road
Block 101, Lots 2 - 4
Egg Harbor Township

This application proposes construction of a 1,418 linear foot traffic ramp from Amelia Earhart Boulevard to Tilton Road located within the above referenced rights-of-way and 19.3 acre parcel in Egg Harbor Township.

This proposed twenty foot wide traffic ramp will permit southbound traffic on Amelia Earhart Boulevard to access Tilton Road in a westbound direction.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.28(a))

The project is located in a Pinelands Regional Growth Area. The proposed development is a permitted land use in a Pinelands Regional Growth Area.

Wetlands Standards (N.J.A.C. 7:50-6.6 & 6.13)

There are wetlands located within 300 feet of the proposed development. No development is proposed in wetlands. The CMP requires up to a 300 foot buffer to wetlands. Approximately 800 linear feet of the proposed development will be located within 300 feet of wetlands.

The CMP permits road improvements (linear improvements) in the required buffer to wetlands provided the applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in wetland

buffers or that will result in a less significant adverse impact to wetland buffers. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetland buffers. The applicant has indicated that the proposed development will improve traffic safety and reduce traffic congestion. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetland buffer.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within existing developed areas, maintained road shoulders and forested areas. Approximately one acre of oak-pine forest will be cleared to accommodate the proposed development. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

Stormwater Management Standards (N.J.A.C.7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be constructing a stormwater infiltration basin.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on April 11, 2018. The application was designated as complete on the Commission's website on May 29, 2018. The Commission's public comment period closed on June 8, 2018. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 28 sheets, prepared by WSP USA Inc. and dated as follows:

Sheets 1-11 & 13-28 – April 9, 2018
Sheet 12 – May 23, 2018
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on July 9, 2018. The appeal must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 20

TITLE: Approving With Conditions an Application for Public Development (Application Number 1985-0726.010)

Commissioner Lohbauer moves and Commissioner Jannarone seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

1985-0726.010

Applicant:	New Jersey Schools Development Authority
Municipality:	Pemberton Township
Management Area:	Pinelands Forest Area Pinelands Regional Growth Area
Date of Report:	June 21, 2018
Proposed Development:	Demolition of the Alexander Denbo Elementary School and the construction of a 121,000 square foot elementary school.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 1985-0726.010 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun	X				Howell	X				Prickett				R
Avery			X		Jannarone	X				Quinn	X			
Barr	X				Lloyd	X				Rohan Green			X	
Chila	X				Lohbauer	X				Earlen	X			
Galletta			X		Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission
Nancy Wittenberg
Nancy Wittenberg
Executive Director

Date: July 18, 2018
Sean W. Earlen
Sean W. Earlen
Chairman



State of New Jersey
 THE PINELANDS COMMISSION
 PO Box 359
 NEW LISBON, NJ 08064
 (609) 894-7300
 www.nj.gov/pinelands



PHILIP D. MURPHY
 Governor
 SHEILA Y. OLIVER
 Lt. Governor

General Information: Info@pinelands.nj.gov
 Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

June 21, 2018

Thomas Schrum
 New Jersey Schools Development Authority
 32 East Front Street
 PO Box 991
 Trenton, NJ 08625


Re: Application # 1985-0726.010
 Block 848, Lot 10
 Block 849, Lots 1.02, 2, 11.01, 14 & 15
 Pemberton Township

Dear Mr. Schrum:

The Commission staff has completed its review of this application for demolition of the Alexander Denbo Elementary School and the construction of a 121,000 square foot elementary school. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its July 13, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely

 Charles M. Horner, P.P.
 Director of Regulatory Programs

Enc: Appeal Procedure
 c: Secretary, Pemberton Township Planning Board (via email)
 Pemberton Township Construction Code Official (via email)
 Pemberton Township Environmental Commission (via email)
 Secretary, Burlington County Planning Board (via email)
 Keith Smith





State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
New Lisbon, NJ 08064
(609) 894-7300
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PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

June 21, 2018

Thomas Schrum
New Jersey Schools Development Authority
32 East Front Street
PO Box 991
Trenton, NJ 08625

Application No.: 1985-0726.010
Block 848, Lot 10
Block 849, Lots 1.02, 2, 11.01, 14 & 15
Pemberton Township

This application proposes demolition of the Alexander Denbo Elementary School and the construction of a 121,000 square foot elementary school located on the above referenced 55.74 acre parcel in Pemberton Township.

On July 14, 2017, the Commission approved the demolition of the Crichton Elementary School located on Block 849, Lot 2 and the temporary paving of 711 linear feet of the Rancocas Lane right-of-way (App. No. 1985-0726.009). The proposed 121,000 square foot elementary school will be located in the area previously occupied by the demolished Crichton Elementary School. The Alexander Denbo Elementary School will be demolished once the new elementary school has been constructed.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.28)

The parcel is located in a Pinelands Regional Growth Area and a Pinelands Forest Area. The proposed development will be located within the Pinelands Regional Growth portion of the parcel. The proposed elementary school is a permitted land use in a Pinelands Regional Growth Area.

Wetlands Standards (N.J.A.C. 7:50-6.14)

There are wetlands located on the parcel. All development will be located at least 300 feet from wetlands.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within existing disturbed and paved areas. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

Stormwater Management Standards (N.J.A.C.7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be constructing a stormwater infiltration basin.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

The existing school building lacks any potential for designation as a significant cultural resource. There is no evidence of other cultural activity on the parcel. Based upon these determinations, a cultural resource survey was not required.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on July 20, 2017. Newspaper public notice was completed on July 23, 2017. The application was designated as complete on the Commission's website on May 29, 2018. The Commission's public comment period closed on June 8, 2018. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 24 sheets, prepared by French & Parrello Associates and dated as follows:

 Sheets 1-6, 9, 12-19 & 22-24 - May 18, 2018
 Sheets 7, 8, 20 & 21 - May 18, 2018; last revised May 25, 2018
 Sheets 10 & 11 - April 27, 2018
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on July 9, 2018. The appeal must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 21

TITLE: Approving With Conditions an Application for Public Development (Application Number 1996-1386.003)

Commissioner Prickett moves and Commissioner Barr seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

1996-1386.003

Applicant: NJDEP Parks and Forestry
Municipality: Pemberton Township
Management Area: Pinelands Preservation Area District
Date of Report: June 21, 2018
Proposed Development: Forestry on 64 acres in Brendan T. Byrne State Forest.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 1996-1386.003 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun	X				Howell	X				Prickett	X			
Avery			X		Jannarone	X				Quinn	X			
Barr	X				Lloyd	X				Rohan Green			X	
Chila	X				Lohbauer	X				Earlen	X			
Galletta			X		Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: July 8, 2018

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



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 PO Box 359
 NEW LISBON, NJ 08064
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 www.nj.gov/pinelands



PHILIP D. MURPHY
 Governor
 SHEILA Y. OLIVER
 Lt. Governor

General Information: Info@pinelands.nj.gov
 Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

June 21, 2018

John Sacco
 NJDEP Parks and Forestry
 501 East State Street
 PO Box 420, Mail Code 501-04
 Trenton, NJ 08625-0404


Re: Application # 1996-1386.003
 Brendan T. Byrne State Forest
 Block 925, Lot 1
 Block 927, Lot 1
 Pemberton Township

Dear Mr. Sacco:

The Commission staff has completed its review of this application for forestry in Brendan T. Byrne State Forest. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its July 13, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

 Charles M. Horner, P.P.
 Director of Regulatory Programs

- Enc: Appeal Procedure
 c: Secretary, Pemberton Township Planning Board (via email)
 Pemberton Township Construction Code Official (via email)
 Pemberton Township Environmental Commission (via email)
 Secretary, Burlington County Planning Board (via email)
 William Zipse, Forester, State Lands Management (via email)





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PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

June 21, 2018

John Sacco
NJDEP Parks and Forestry
501 East State Street
PO Box 420, Mail Code 501-04
Trenton, NJ 08625-0404

Application No.: 1996-1386.003
Brendan T. Byrne State Forest
Block 925, Lot 1
Block 927, Lot 1
Pemberton Township

This application proposes forestry on 64 acres in Brendan T. Byrne State Forest on the above referenced 305 acre parcel in Pemberton Township.

One site proposed for forestry is comprised of approximately 49 acres and fronts on Magnolia Road. The second site proposed for forestry is approximately 15 acres and fronts on Four Mile Road.

On June 13, 2008, the Commission approved forestry on 44 acres of the 49 acre site currently proposed for forestry (App. No. 1996-1386.002). In accordance with the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-6.45), that approval expired after 10 years, on June 13, 2018. The applicant has represented that approximately 30% of the forestry approved in App. No. 1996-1386.002 was completed.

On November 8, 1996, the Commission approved forestry on 5.72 acres of the 15 acre site currently proposed for forestry (App. No. 1996-1386.001). In accordance with the CMP (N.J.A.C. 7:50-6.45), that approval expired after 10 years, on November 8, 2006. The applicant has represented that approximately 30% of the forestry approved in App. No. 1996-1386.001 was completed.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the CMP. The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.22(a)3)

The 64 acres subject to forestry are located within the Pinelands Preservation Area District. Forestry is permitted in the Pinelands Preservation Area District.

Forestry (N.J.A.C. 7:50-6.41)

This application proposes 64 acres of forest thinning in uplands. The type of proposed thinning is known as a shelterwood harvest. The harvest is intended to: 1) create large openings in the forest canopy; 2) encourage the growth of young oak tree species and native Shortleaf pine; 3) reduce the risk of wildfire and southern pine beetle attack; 4) allow for natural regeneration; and 5) maintain an Oak-Pine dominated forest, a Pinelands native forest type.

There are currently approximately 225 trees per acre on the 64 acres subject of the proposed harvest. After the proposed thinning, there will be approximately 43 trees per acre on the 64 acres. The proposed thinning will remove a total of 562 cords of wood from the 64 acres.

The applicant proposes to undertake post-harvest site preparation, as necessary. Proposed site preparation techniques are prescribed burning and plowing/disking.

Spot spraying of herbicides is proposed, as necessary, to control invasive species. The CMP (N.J.A.C. 7:50-6.46(a)9ii.) allows application of herbicide in association with forestry provided that, among other conditions, control of competitive plant species is clearly necessary and control by other non-chemical means is not practical. The applicant has represented that hand cutting or mechanical removal of competitive species is not feasible. As required by the CMP (N.J.A.C. 7:50-6.46(a)9ii.(4)), all herbicides must be expressly labeled for forestry use and mixed in a manner that is consistent with relevant State and Federal requirements.

Threatened and Endangered Species Standards (N.J.A.C. 7:50-6.27 & 6.33)

Available information identifies known sightings of threatened and endangered (T&E) animal and plant species in the vicinity of the proposed forestry. The New Jersey Department of Environmental Protection Endangered and Nongame Species Program staff and the Commission staff reviewed the proposed forestry to determine whether it was designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species and irreversible adverse impacts on the survival of any local populations of T&E plant species.

To avoid potential irreversible adverse impacts on any T&E avian species, prior to undertaking the proposed forestry, the applicant proposes to conduct visual surveys to identify and mark any trees containing potential T&E avian species cavities or nests. Any trees containing potential T&E avian species cavities or nests will be marked and left standing. To avoid any irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, the applicant proposes to utilize only low ground pressure equipment for any forestry undertaken between November 1 and April 30. To avoid potential irreversible adverse impact on the survival of any local populations of T&E frog species, no forestry is proposed within 100 feet of wetlands.

The proposed forestry is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

No disturbance will occur greater than six inches below the ground surface. The Commission staff determined that, since the proposed forestry will result in minimal ground disturbance, a cultural resource survey was not required.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced 64 acres subject of forestry was completed on April 20, 2018. Newspaper public notice was completed on April 23, 2018. The application was designated as complete on the Commission's website on May 25, 2018. The Commission's public comment period closed on June 8, 2018. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed forestry activity shall adhere to the "Proposal for Silvicultural Activity on State Forest and Park Lands," prepared by the New Jersey Forest Service, dated April 30, 2018. The 64 acres subject of the proposed forestry is depicted on an exhibit titled "Activity Description" identified as a portion of a USGS Quad: Browns Mills and dated March 14, 2018.
2. Prior to any forestry, the applicant shall obtain any other necessary permits and approvals.
3. Any herbicides that are applied for site preparation shall be expressly labeled for forestry use and shall be used and mixed in a manner that is consistent with relevant State and Federal requirements.
4. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E avian species, prior to any forestry, the applicant shall complete a visual survey of the above referenced 64 acre forestry area for potential avian T&E species cavities or nests. Any trees containing potential avian T&E species cavities or nests shall be marked and left standing.
5. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, only low ground pressure equipment shall be used for any forestry undertaken between November 1 and April 30.
6. To avoid potential irreversible adverse impact on the survival of any local populations of T&E frog species, no forestry shall occur within 100 feet of wetlands.
7. This forestry approval is valid for a period of ten years from the July 13, 2018 date of Commission approval.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00PM on July 9, 2018 and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 22

TITLE: To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2019 at the Same Level of Expenditures as Fiscal Year 2018 until the Adoption of the Fiscal Year 2019 Budgets

Commissioner Uyey moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, pursuant to the Pinelands Protection Act, the Pinelands Commission is charged with continuing implementation and monitoring of the Pinelands Comprehensive Management Plan; and

WHEREAS, it is anticipated that the New Jersey Legislature will appropriate \$2,799,000 to support the Commission's operations during Fiscal Year 2019; and

WHEREAS, pursuant to N.J.S.A 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the actions shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director is authorized to continue to expend funds during Fiscal Year 2019 at the same level of expenditures as Fiscal Year 2018 until the Commission's adoption of the Fiscal Year 2019 Budgets.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun	X				Howell	X				Prickett	X			
Avery			X		Jannarone	X				Quinn	X			
Barr	X				Lloyd	X				Rohan Green			X	
Chila	X				Lohbauer	X				Earlen	X			
Galletta			X		Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Date: July 18, 2018

Sean W. Earlen
Sean W. Earlen
Chairman

2017

LONG TERM ECONOMIC MONITORING REPORT

Summary

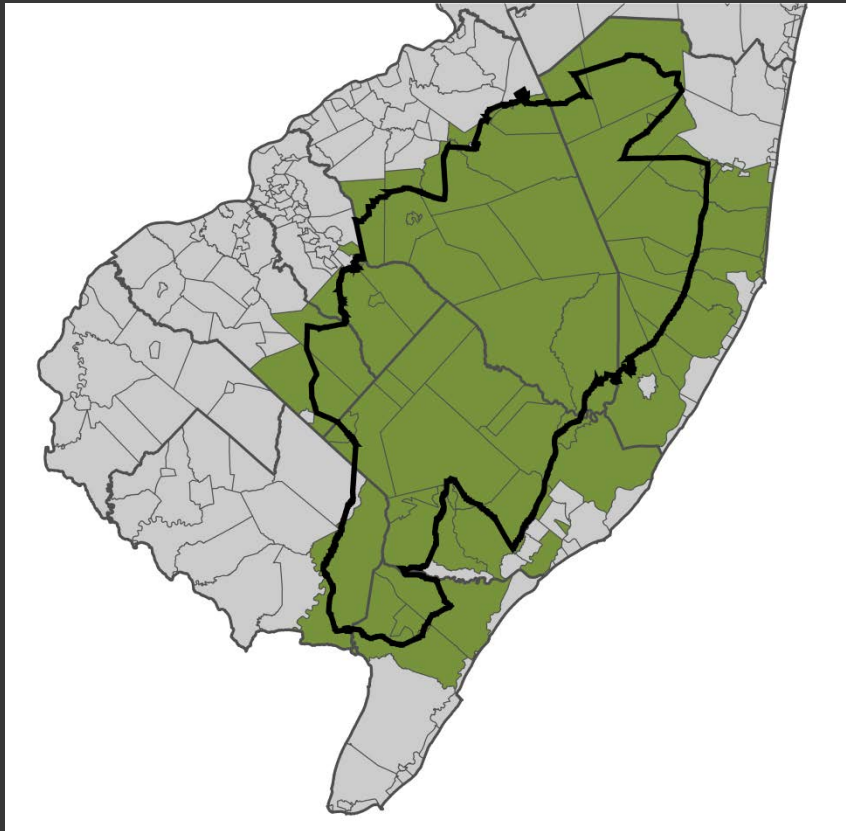
- Updated with data for two years: 2015 and 2016
- Core indicators same as previous years
- Most indicators have been updated
- Highlights of the Report
- Re-evaluation of Report format and variables

Updates

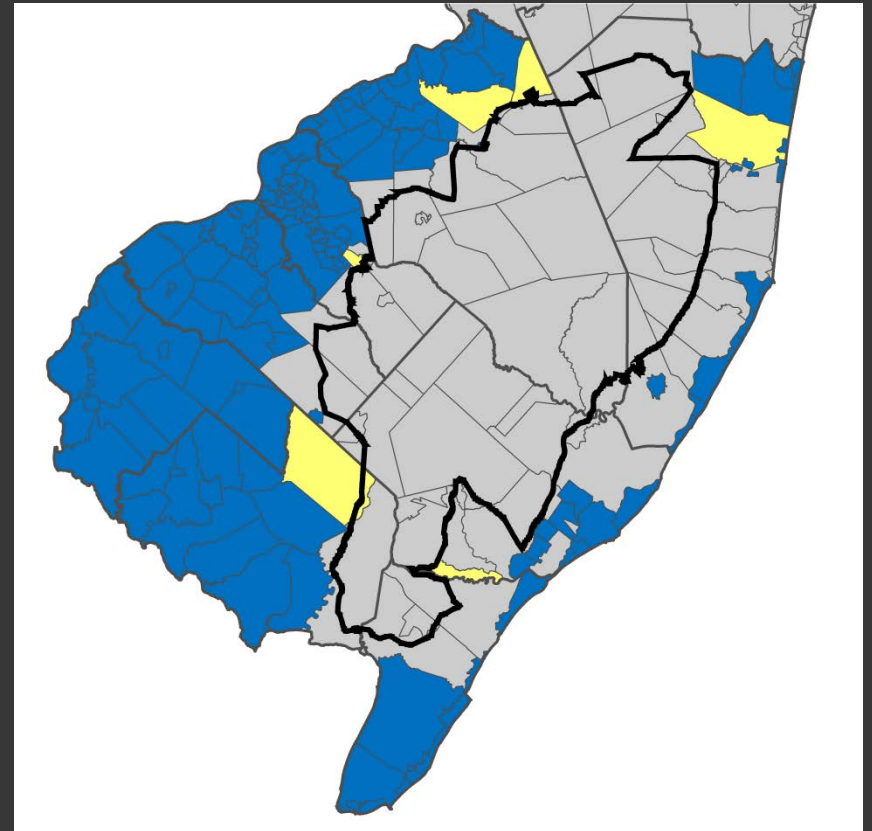
- The 2017 Report updates 17 of 21 variables, plus one supplemental variable, in four categories of economic indicators (Population, Real Estate, Economy, and Municipal Finance)
- Changes to variables: new population age demographic - under 19 years of age and over 65 years of age instead of median age for each municipality
- Supplemental variable: reporting poverty rates for the second straight year

Geographic Definitions

The Pinelands vs. The Non-Pinelands

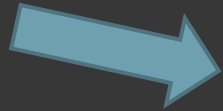


Pinelands Municipalities



**Non-Pinelands
Municipalities**

Highlights - Population



- Slow decline in population in SNJ as a whole, slower decline for Pinelands municipalities from 2010 to 2016

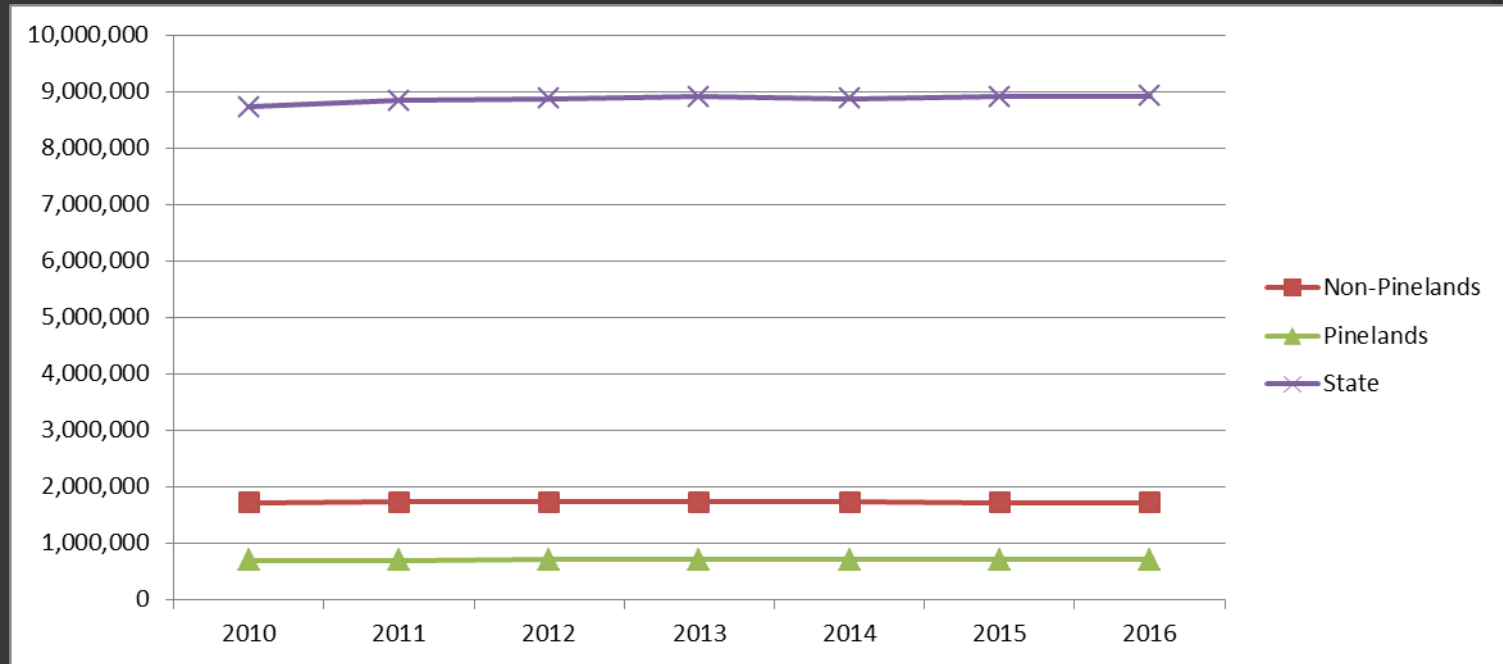


- Median age is climbing



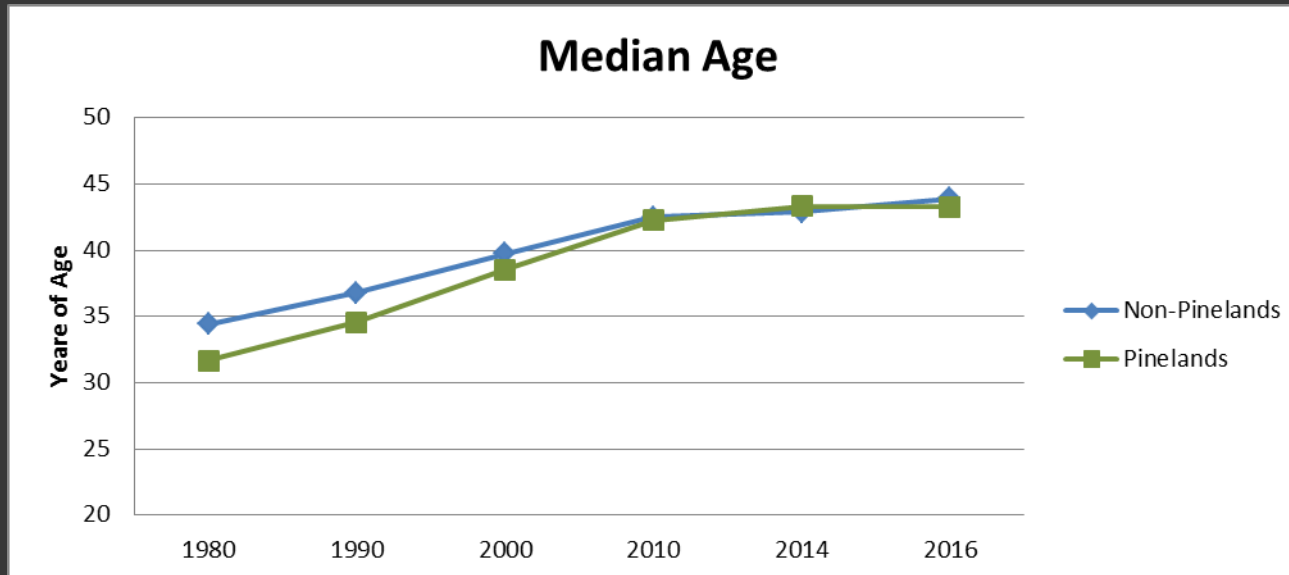
- Poverty rates increased since 2014 inside Pinelands

Highlight – Population Estimates



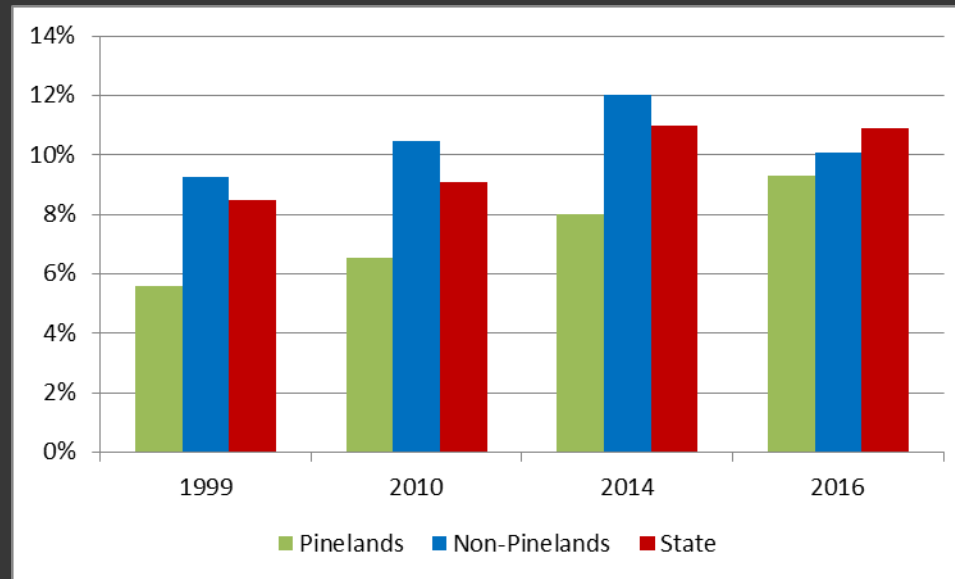
The population of the Pinelands hovers around 700,000 people. Estimates for 2016 gave us 703,189 people which was down by 1,482 since 2014. Pinelands population represents the total population of the 47 Pinelands municipalities.

Highlight – Age Demographics



- New statistic – under 19 and over 65 years of age
- % of the Pinelands population over 65 years of age increased by 2% since 2010
- Census report changed the “Under 18” statistic to “Under 19”, so trend is not available

Highlight – Poverty Rates

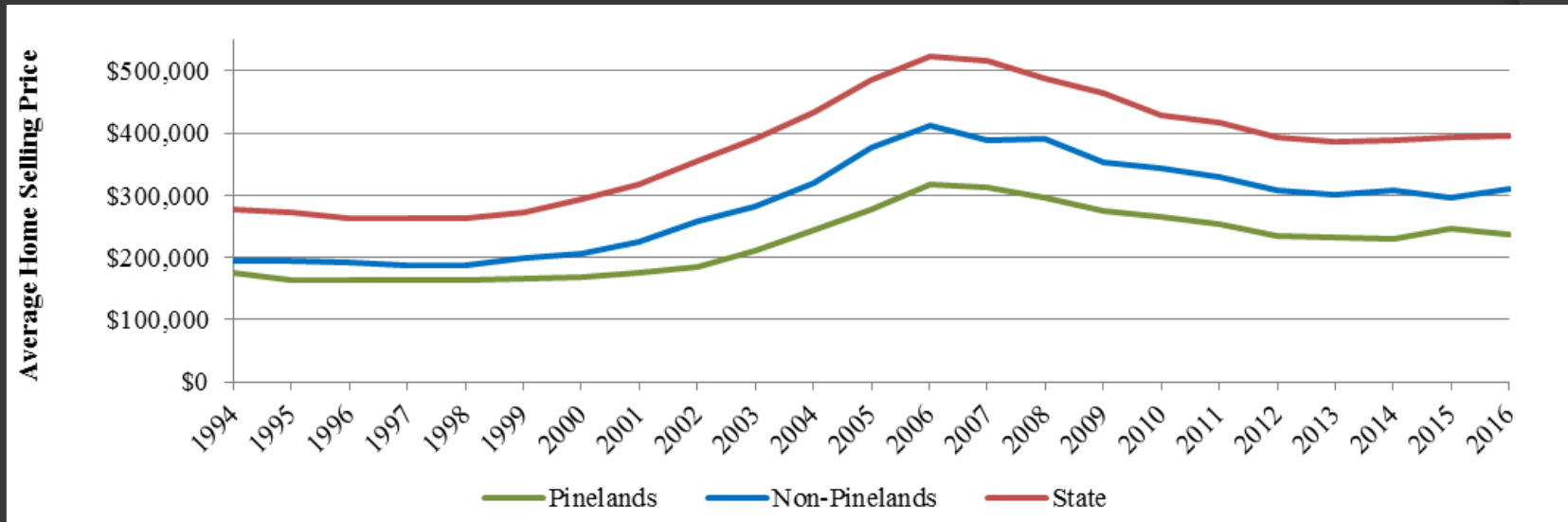


- ⦿ This is a supplemental variable included in the 2015 and in the 2017 reports
- ⦿ 2016: Pinelands 9%, Non-Pinelands 10%, State 11%
- ⦿ State Poverty rates peaked in 2014

Highlights – Real Estate

- ⦿ All indicators showing growth over recession lows
 - Number of building permits
 - Number of residential transactions
 - Home sales prices
- ⦿ Home sale prices increasing more slowly than growth in number of permits and transactions
- ⦿ Trends are similar for Pinelands, non-Pinelands and State averages

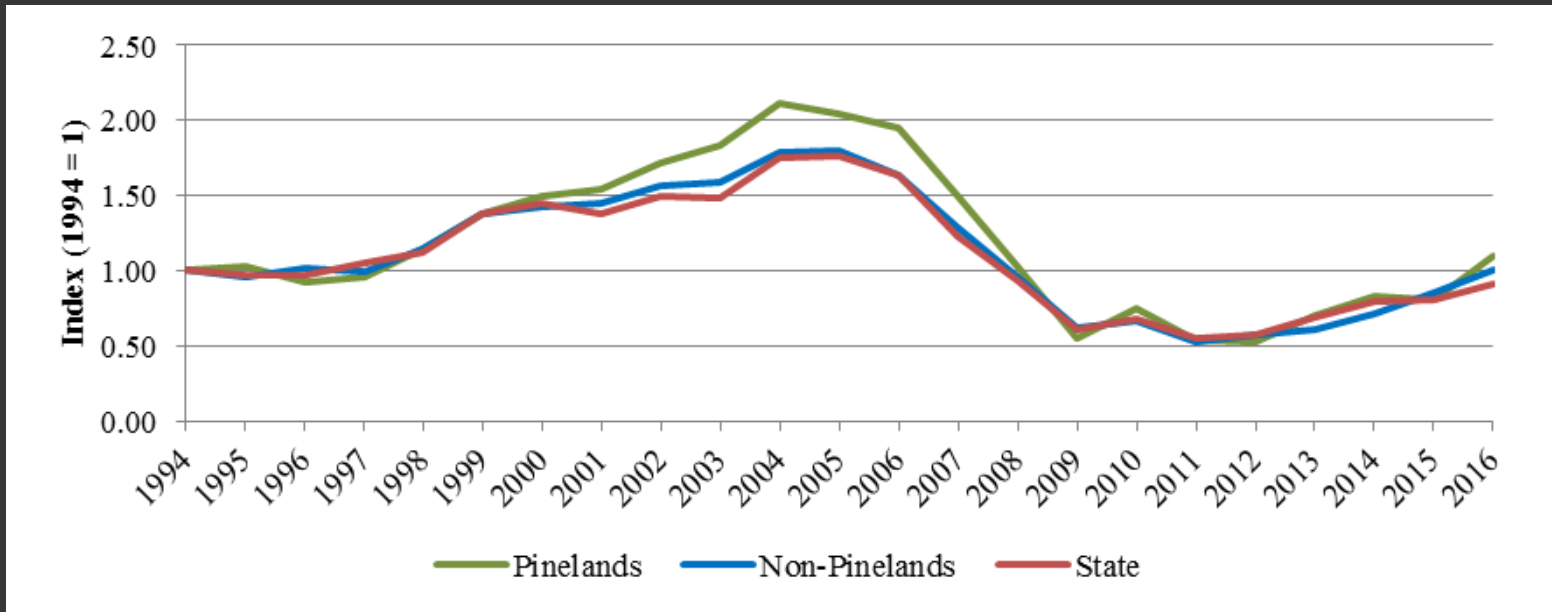
Highlights – Residential Real Estate Sales Prices



Home prices climbed 4% since 2014 to an average of \$232,000

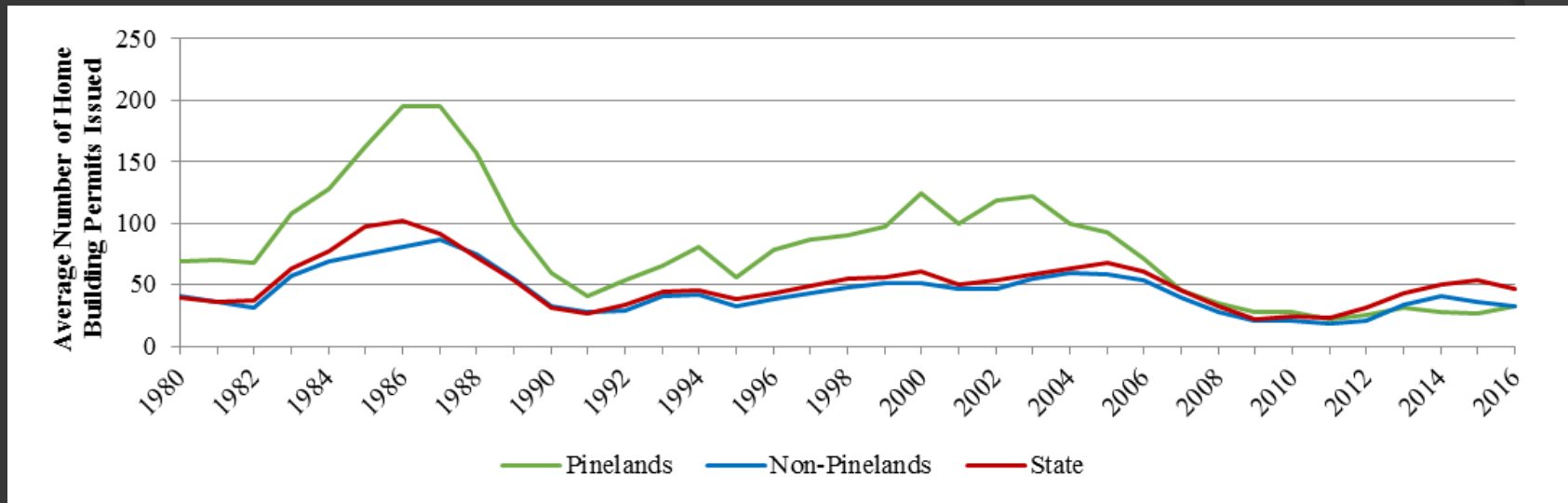
Inside the Pinelands, average price higher in 2015 than in 2016

Highlights – Residential Real Estate Transactions



The number of transactions were on an increasing trend (32% more than 2014) for Pinelands municipalities

Highlight – Real Estate Residential Building Permits



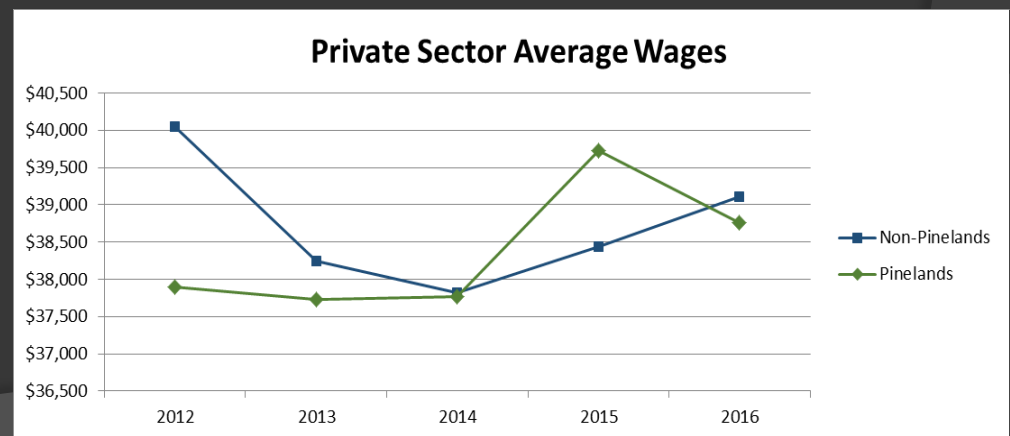
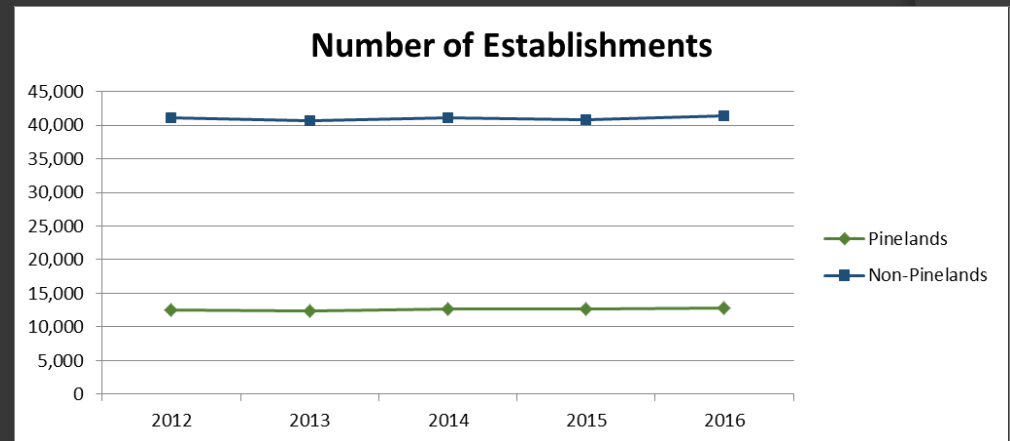
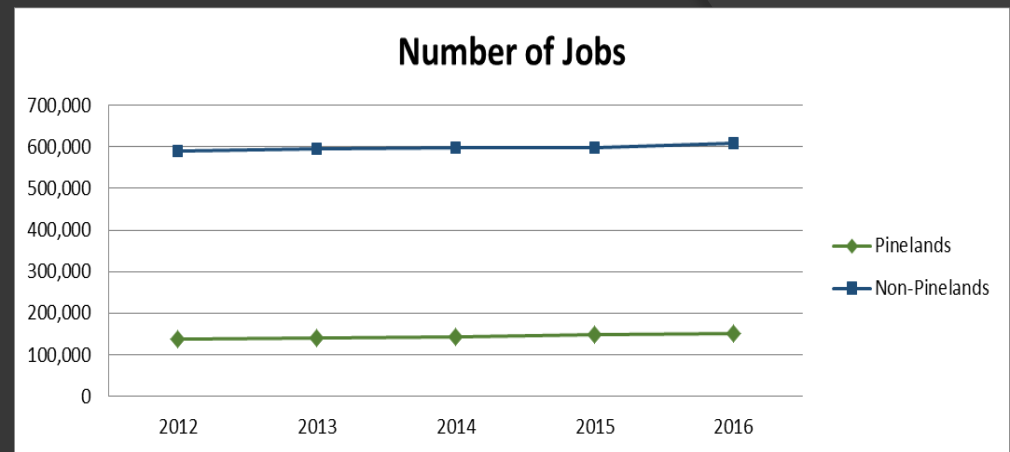
The average number of new residential units that were issued building permits went up 18% (a total of 1,553 units in Pinelands municipalities)

Highlights - Economy

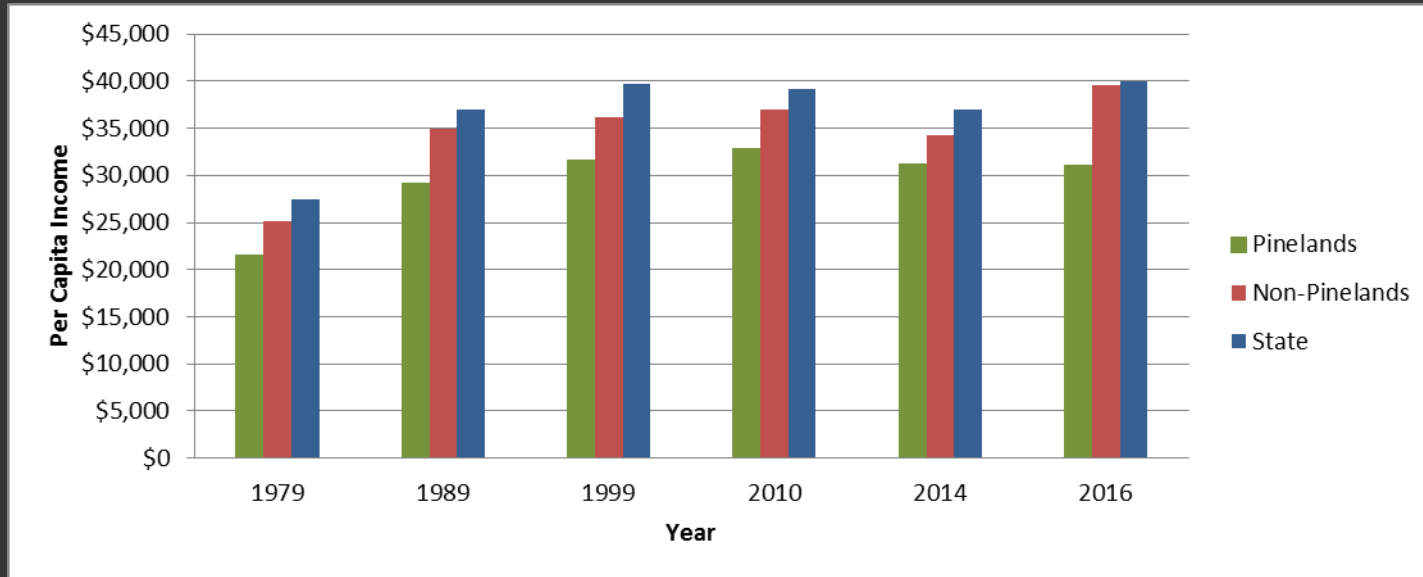
- ⦿ Updated variables are
 - Employment
 - number of Establishments
 - Wages
 - Per Capita Income
 - Unemployment
 - Assessed Farmland acreage
 - Berry Production statistics
- ⦿ Trends are mostly positive for these indicators

Highlight – Employment, Establishments & Wages

- Jobs up 6% since 2014
- Establishments up 0.8%
- Wages up 2.6% over 2014



Highlight – Per Capita Income



PCI for the Pinelands municipalities stayed relatively flat (-\$118)

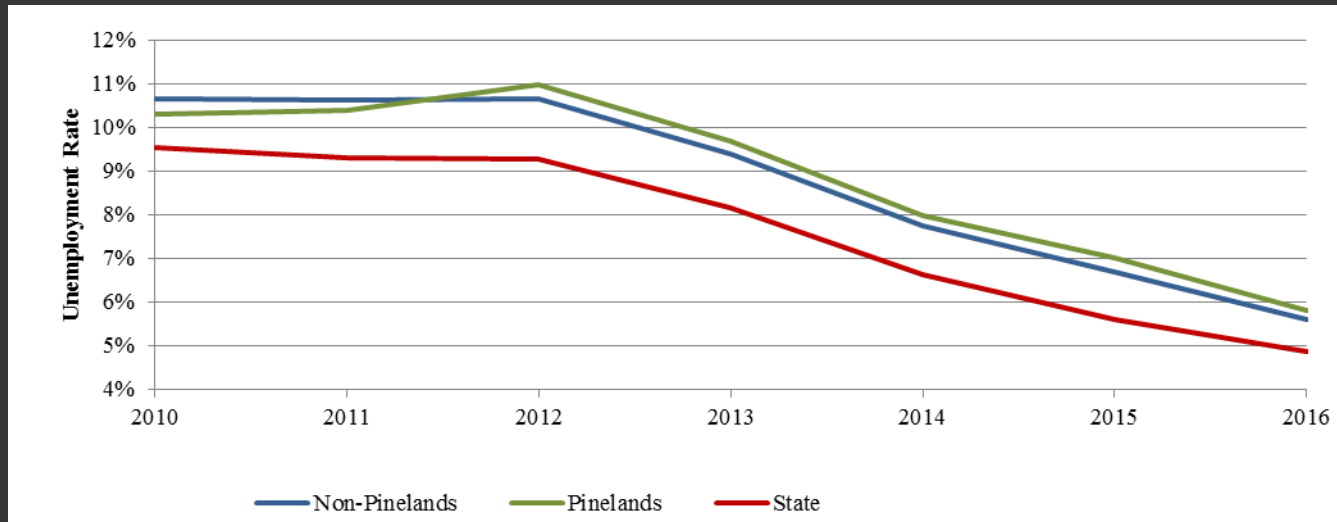


PCI for Non-Pinelands rose \$5,271



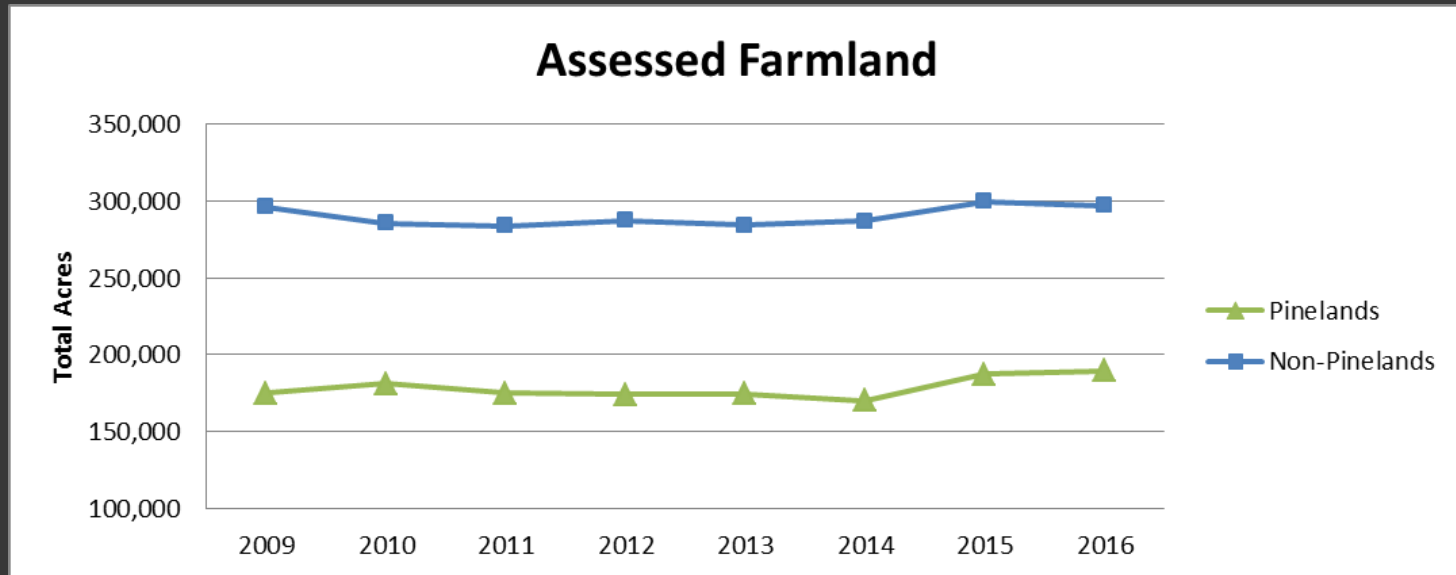
PCI across the State grew by \$2,982

Highlight - Unemployment



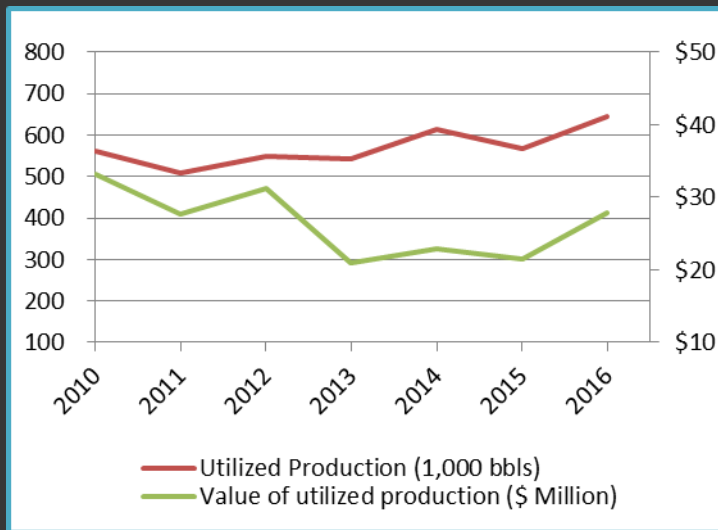
- Pinelands, Non-Pineland, and State all saw decreasing unemployment rates since 2014
- For 2016, Pinelands municipalities averaged the highest rate at 5.8%, but trending along with State and Non-Pineland

Highlight – Economy – Assessed Farmland Acreage



- Acreage in Farmland Assessment grew in all regions between 2014 and 2016
- Pinelands up 19,092 acres (11%)

Highlight– Berry Agriculture

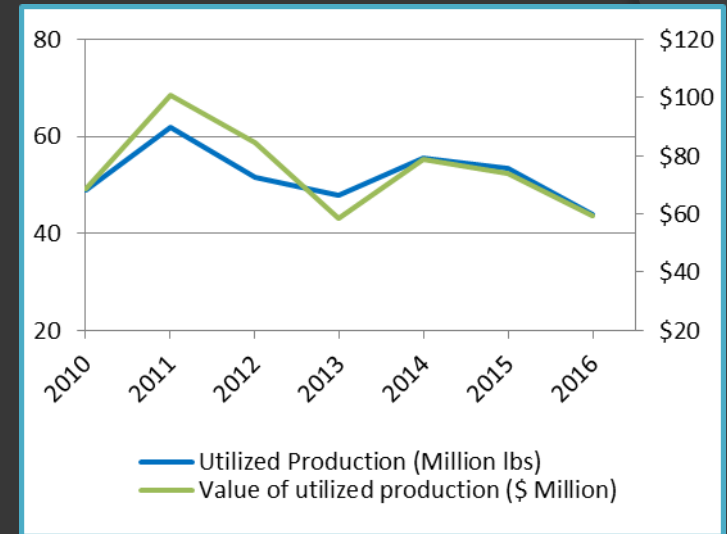


Cranberry Production & Values

Value of Cranberry crop climbed faster than production; up 21% & 5%, respectively

Production of Cranberries rose to 646,000 barrels (100 lbs/barrel)

Cranberry prices ended 2016 up at \$0.43 /lb



Blueberry Production & Values

Value of the blueberry crop fell 25%, and production fell by 21% since 2014

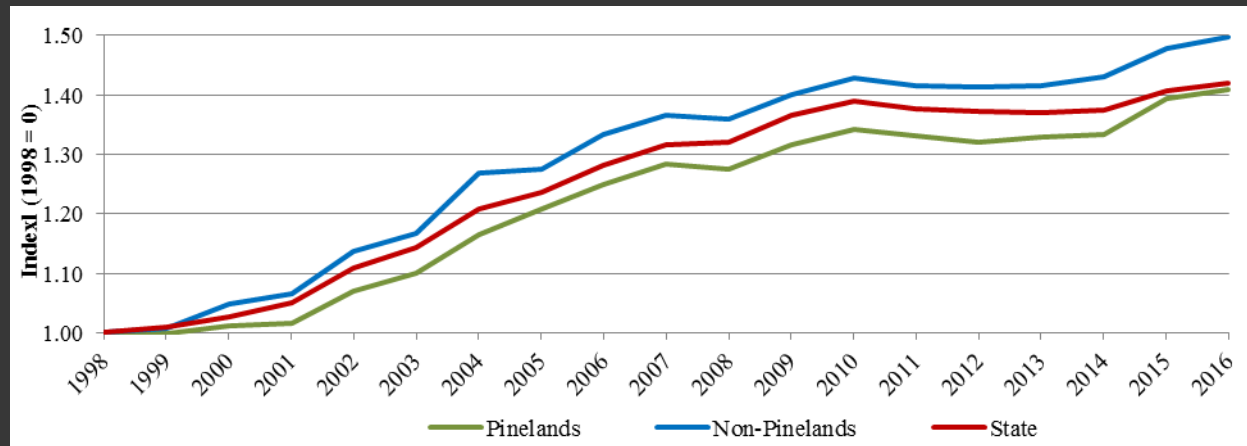
Blueberry acreage yielded about 44 million pounds in 2016

Blueberry prices ended 2016 down at \$1.35 /lb

Highlights – Municipal Finance

- ◎ Five variables:
 - Avg. Residential Taxes
 - Municipal Equalized Valuation
 - Effective Tax Rates
 - Assessment Class Proportions
 - Revenue & State Aid
- ◎ All were updated
- ◎ Upward trends for municipal finance variables with the exception of state aid

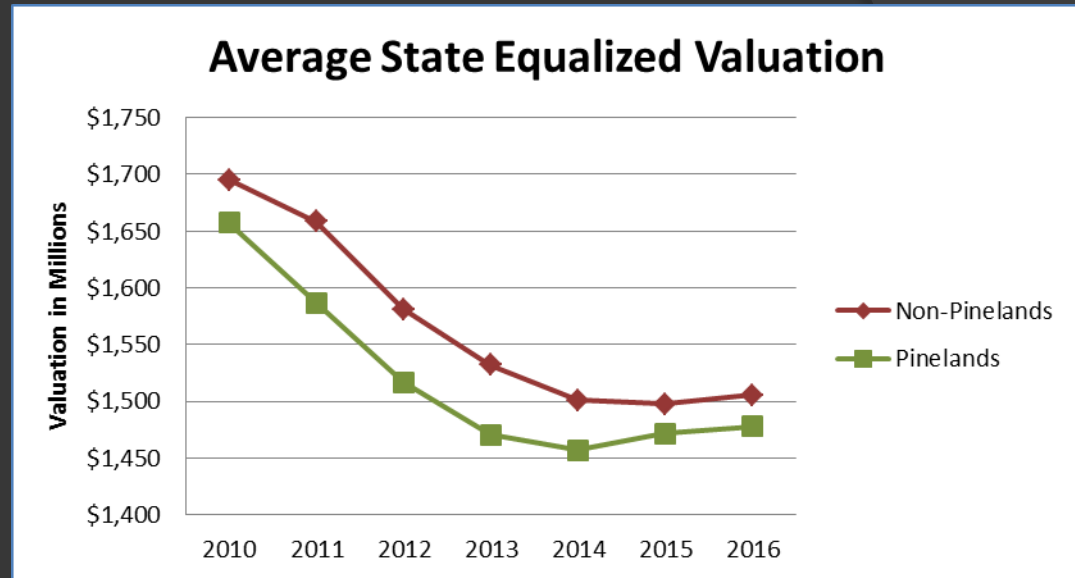
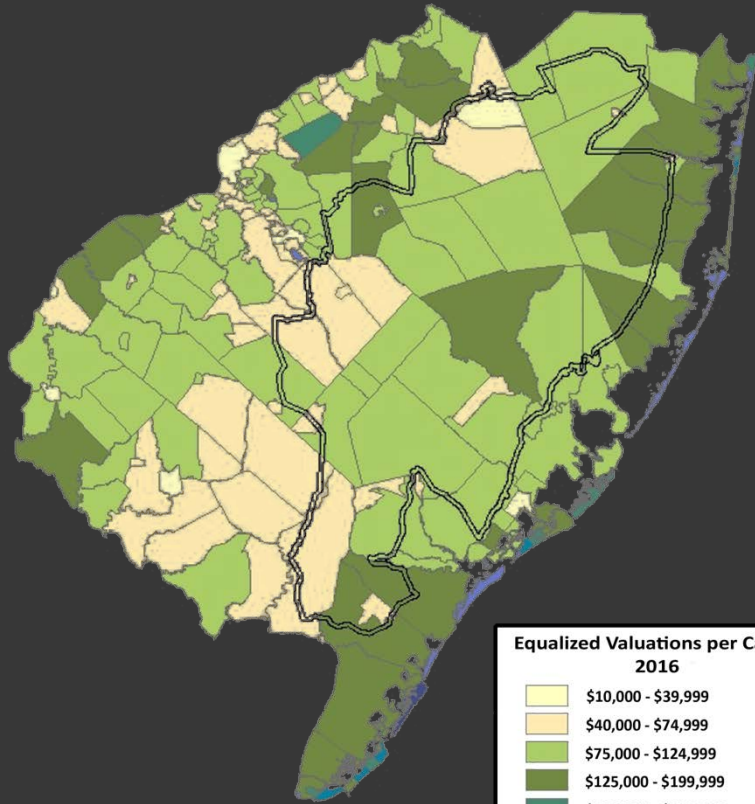
Highlight – Average Residential Tax Bill



Average tax bill indexed to 1998

- ⦿ Average tax bill across Pinelands municipalities was \$5,425; Non-Pinelands was \$6,429
- ⦿ Highest average continued to be in Medford Township (\$10,127); lowest average occurred in Woodbine Borough (\$1,783)

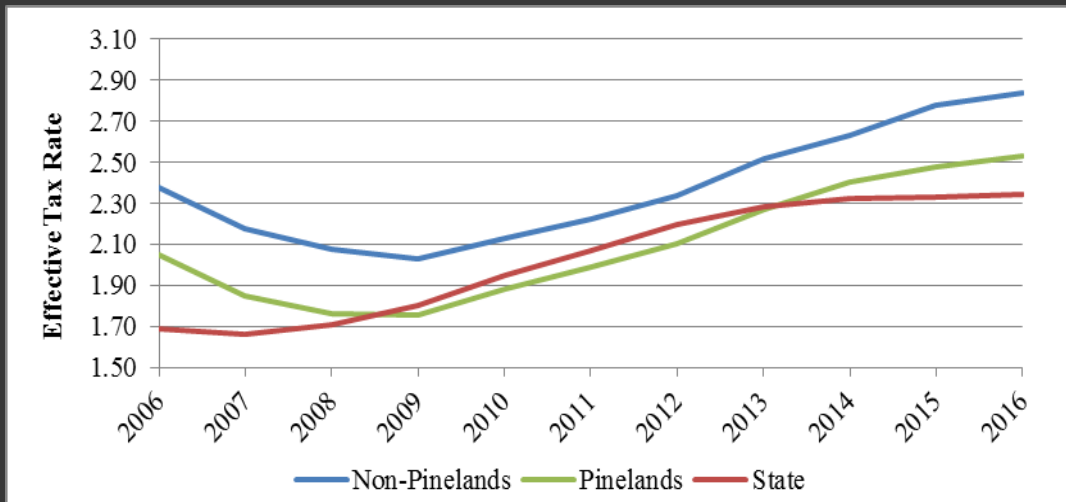
Highlight – Municipal Equalized Valuation



- The “average” Pinlands municipality had a property valuation of \$1.48 Bil in 2016
- The “average” Non-Pinlands municipality (including shore towns) had a valuation of \$1.51 Bil in 2016
- Trending upwards

Highlight – Effective Tax Rate

- Highest effective tax rate inside Pinelands was found in Egg Harbor City (4.34c/ \$100 assessed value)
- Lowest rate in Pinelands was in Dennis Township (1.52/100)
- “...effective rate above 3.00 is unsustainable.” =Henry Coleman of Rutgers, 2002

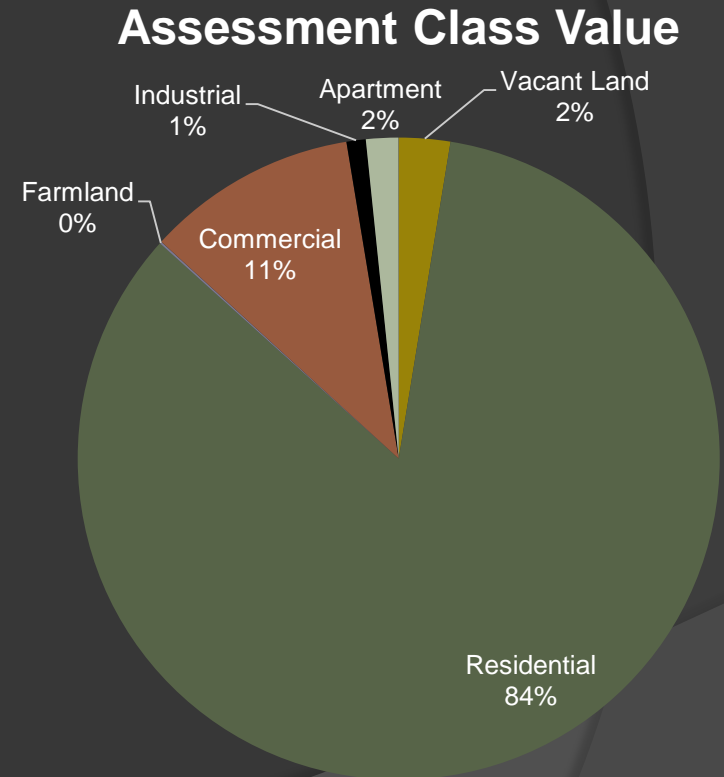


Towns with rate over 3.0

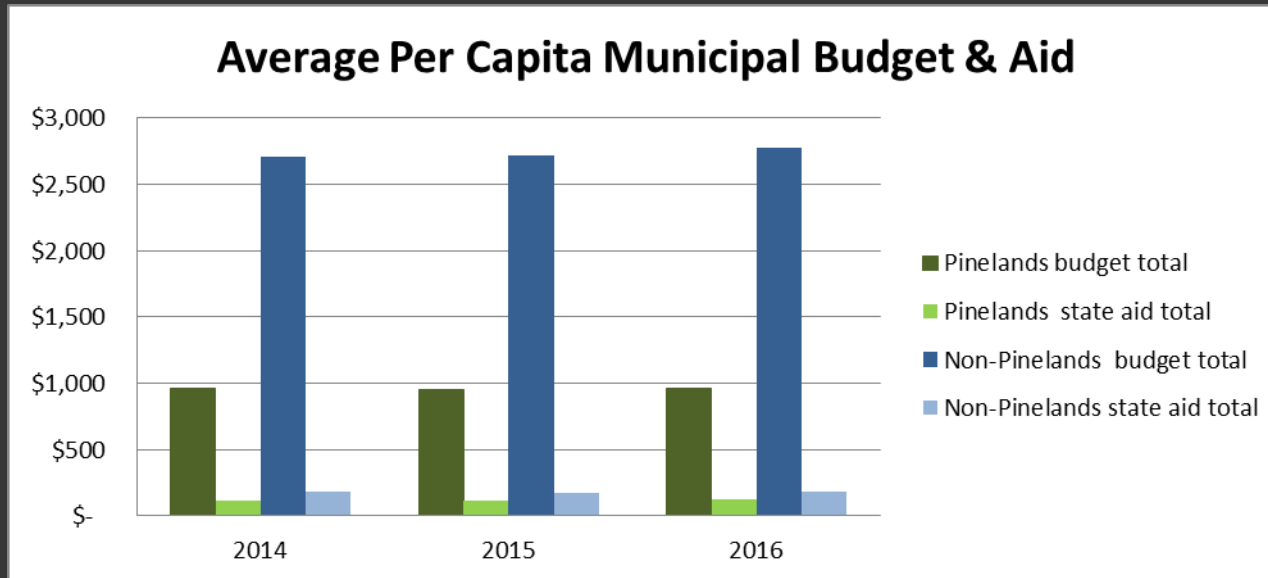
Franklin Township	3.046
Berlin Borough	3.078
Buena Borough	3.098
Winslow Township	3.327
Chesilhurst Borough	3.368
Monroe Township	3.536
Berlin Township	3.542
Waterford Township	3.657
Egg Harbor City	4.34

Highlight – Assessment Class Proportions in Valuations

- Assessment class proportions stay about the same
- Commercial proportion grew the most since 2014, but only by 0.33%
- Non-Pinelands saw greatest increase in residential over the two years, but only 1.8%



Highlight – Revenues & State Aid

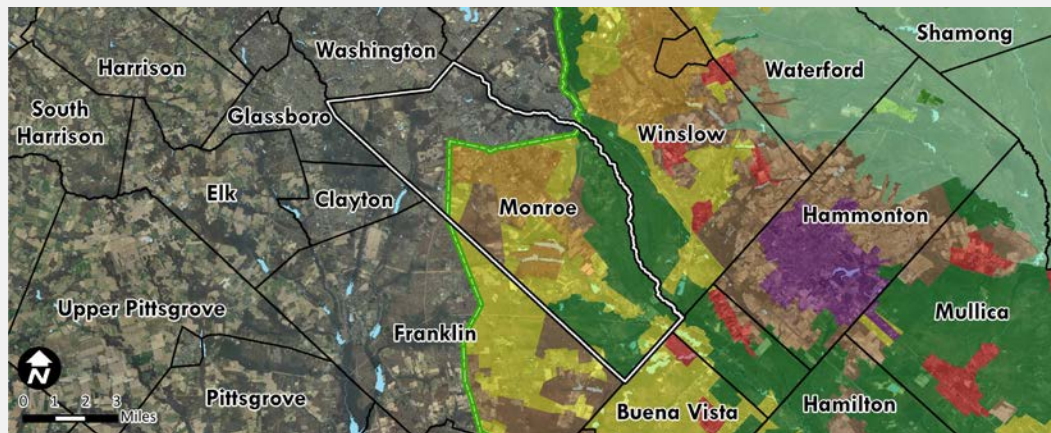
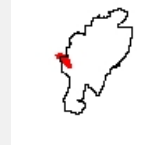


- State aid represents 12% of the total budget for average Pinelands municipality in 2016; 6% of Non-Pinelands muni budget
- State aid has been consistently around 12% 2014-2016 in Pinelands
- State aid dropped from about 7% to near 6% for the period in Non-Pinelands towns

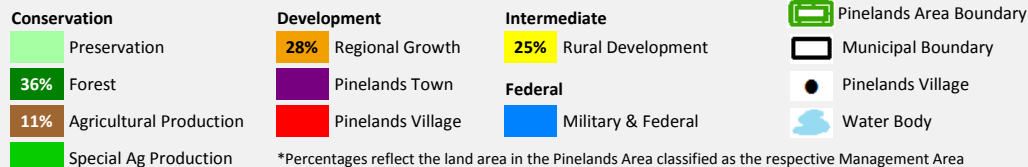
Monroe Township

Pinelands Area 2010 population: 17,871 (49% of total population)

Pinelands Area acreage: 20,770 (69% of total acreage)

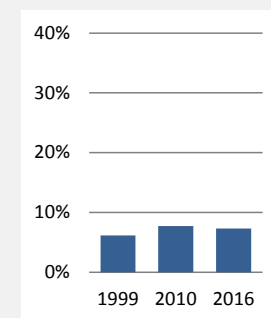


Pinelands Management Areas



2016 Variables	Municipal Value	South N.J. Average	South N.J. Rank
Population Estimate	36,908	12,049	17
Population Density (per mile ²)	787	1,763	117
Population Change - 2010 to 2016	1.98%	0.79%	9
% Land Protected in Pinelands Area*	25%	37%	33
Assessed Acres of Farmland	6,061	2,408	34
Building Permits Issued	120	33	12
Housing Transactions	261	116	20
Average Home Sale Price	\$208,897	\$295,642	111
Equalized Property Value (millions)	\$2,630.7	\$1,499.2	32
Effective Tax Rate	3.54	2.77	43
Average Residential Property Tax Bill	\$7,011	\$6,195	53
Per Capita Income Estimate	\$32,326	\$37,580	105
Unemployment Rate	5.7%	6.1%	98

Estimated Poverty Rate by Year



Private Sector Employment	Private Sector Establishments	Private Sector Avg. Annual Wages
6,306	626	\$35,545

* Protected land captures the 53 Pinelands Area municipalities only, not southern New Jersey. For Monroe Township it is updated to April 2018, in contrast with other variables reported here that are updated to 2016.

LTEM Report Distribution

- Available to local officials at Pinelands Orientation
- Sent to participants of the two re-evaluation work sessions
- Libraries at Stockton, Rowan, county colleges
- Others

Next Report

- Staff considering variables to add or remove based upon re-evaluation work sessions and Rutgers report
- New format to be developed with more web-based presence
- Rolling updates when data available
- Annual Summary





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: Approving With Conditions an Application for Public Development and Certificate of Appropriateness (Application Number 1990-0868.029)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and Certificate of Appropriateness and the recommendation of the Executive Director that the following application be approved with conditions:

1990-0868.029

Applicant:	NJDEP, Division of Parks and Forestry
Municipality:	Bass River Township
Management Area:	Pinelands Preservation Area District
Date of Report:	June 22, 2018
Proposed Development:	Tree clearing to restore visibility from the Bass River State Forest fire tower.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development and Certificate of Appropriateness both conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 and the standards for approving a Certificate of Appropriateness set forth in N.J.A.C. 7:50-6.156 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 1990-0868.029 for public development and a Certificate of Appropriateness is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*
Ashmun				Howell				Prickett			
Avery				Jannarone				Quinn			
Barr				Lloyd				Rohan Green			
Chila				Lohbauer				Earlen			
Galletta				Pikolycky							

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

June 22, 2018

New Jersey Department of Environmental Protection
Division of Parks and Forestry
New Jersey State Forest Fire Service
501 East State Street
P.O. Box 420
Mail Code 501-04
Trenton, NJ 08625-0420

Re: Application # 1990-0868.029
Bass River State Forest Fire Tower
Block 48, Lots 1 & 2
Block 49, Lot 12
Bass River Township

Dear Applicant:

The Commission staff has completed its review of this application for tree clearing to restore visibility from the Bass River State Forest fire tower. Enclosed is a copy of a Public Development Application Report and Certificate of Appropriateness. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its July 13, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Any persons that provided written and/or verbal public comments regarding this application and either a mailing address or an email address are receiving a copy of this recommendation.

Public comment on this application raised questions regarding the future use of fire towers in the Pinelands Area and identified alternatives to tree clearing for fire towers. Our staff will contact NJDEP to initiate discussions on this matter.



Please do not hesitate to contact me with any questions.

Sincerely,



Charles M. Horner, P.P.
Director of Regulatory Programs

Encls: Appeal Procedure
Public Comments

c: Secretary, Bass River Township Planning Board (via email)
Bass River Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
Jeremy Webber (via email)
Sally Bourguignon (via email)
Timothy MacDonald (via email)
Karl Swansen (via email)
Carol Bitzberger (via email)
Andrew and Rosemary Anderson (via email)
Eileen Brower (via email)
Robyn and Jeffrey Firth (via email)
Sonny Basore (via email)
Leslie & Earl Brower (via email)
Steve Lange (via email)
Lee Ann Blake (via email)
Sean Wilson (via email)
Chad Clarke (via email)
Samantha Ryan (via email)
Dianne Worthington (via email)
Benjamin Brower (via email)
Katie Jaeckel (via email)
Lindsey Brower (via email)
Michael & Kristie Masucci (via email)
Christopher Brower (via email)
Arthur Albine (via email)
Bill Brash (via email)
Amanda Somes, Bass River Township Clerk (via email)
Jarrod Miller (via email)
Edward & Ann Marie Hoffman (via email)
Todd Tally (via email)
Christine Tally (via email)
Nancy Reid (via email)
John DiGiacomo
Richard Buzby, Chief of Little Egg Harbor Township Police Department
Frank Runzol, Acting Fire Chief of Little Egg Harbor Township



State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT AND CERTIFICATE OF
APPROPRIATENESS**

June 22, 2018

New Jersey Department of Environmental Protection
Division of Parks and Forestry
New Jersey State Forest Fire Service
501 East State Street
P.O. Box 420
Mail Code 501-04
Trenton, NJ 08625-0420

Application No.: 1990-0868.029
Bass River State Forest Fire Tower
Block 48, Lots 1 & 2
Block 49, Lot 12
Bass River Township

This application proposes clearing of 16.4 acres of trees from the above referenced 436 acre parcel located in Bass River State Forest in Bass River Township. The 86 foot tall Bass River State Forest fire tower is located on the parcel. The purpose of the tree clearing is to restore visibility in all directions from the fire tower.

The applicant represents that the fire tower covers an area of visibility of approximately 200 square miles for detecting and suppressing wildfire. The applicant further represents that a public safety threat is currently posed to communities such as New Gretna, Ocean Acres, Smithville and Tuckerton due to obstructed views from the fire tower.

The 16.4 acres proposed for tree clearing are comprised of seven separate areas surrounding the fire tower. All trees within the seven areas will be removed. The seven areas range in size from one acre to four acres. All seven areas are located within approximately 1,400 linear feet of the fire tower and contain trees in excess of 90 feet tall.

An application for tree clearing of 2.7 acres on Block 48, Lot 1 and Block 49, Lot 12 in Bass River Township was approved by the Commission in 1995 (App. No. 1995-1054.001). The clearing occurred in Bass River State Forest, immediately adjacent to the fire tower.

STANDARDS

The Commission staff has reviewed the proposed tree clearing for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.22)

The parcel is located in the Pinelands Preservation Area District. The existing fire tower is a permitted land use as an accessory structure to Bass River State Forest. The CMP allows the proposed clearing of trees, with conditions, provided the clearing is necessary to accommodate a permitted land use.

Vegetation Management Standards (N.J.A.C. 7:50-6.23)

The CMP (N.J.A.C. 7:50-6.23(a)) requires that the proposed tree clearing be limited to that which is necessary to accommodate the use of the fire tower. Based upon a Commission staff site inspection, including observation from the fire tower, the proposed tree clearing is limited to that which is necessary to accommodate the use of the fire tower. The CMP (N.J.A.C. 7:50-6.23(b)) also requires that, where practical, all clearing activities associated with a permitted use shall avoid wooded areas. The applicant has demonstrated that it is not practical to avoid clearing the wooded areas.

After the proposed tree clearing, the application proposes site preparation of the 16.4 acres by drum chopping, wood disking. The application has been amended to eliminate the proposed use of herbicides.

After site preparation, the application proposes replanting of trees in the 16.4 acres proposed to be cleared. Native tree seedlings will be planted. In addition, Loblolly pine, a non-native species previously existing in the cleared areas, will be planted. White pine, a non-native species previously existing in the cleared areas, will not be replanted due to its fast rate of growth.

Threatened and Endangered Species Standards (N.J.A.C. 7:50-6.27 & 6.33)

Available information identifies known sightings of threatened and endangered (T&E) animal and plant species in the vicinity of the proposed tree clearing. The Commission staff reviewed the proposed tree clearing to determine whether it was designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species and irreversible adverse impacts on the survival of any local populations of T&E plant species. The New Jersey Department of Environmental Protection Endangered and Nongame Species Program staff also reviewed the proposed tree clearing to determine impacts on T&E animal and plant species.

To avoid potential irreversible adverse impacts on any T&E avian species, prior to undertaking the proposed tree clearing, the applicant proposes to conduct visual surveys to identify and mark any trees containing cavities or nests for potential T&E avian species. Any trees containing potential T&E avian species cavities or nests will be marked and left standing.

To avoid any irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, the applicant proposes to utilize only low ground pressure equipment for any tree clearing, drum chopping or wood disking undertaken between November 1 and April 30.

The proposed tree clearing is designed to avoid irreversible adverse impacts on habitats that are critical

to the survival of any local populations of T&E animal species.

The applicant has demonstrated that no suitable habitat exists for any T&E plant species of concern.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

The 16.4 acres proposed for tree clearing are part of pine plantations established in Bass River State Forest between the years 1933 and 1942 by the Civilian Conservation Corps (CCC). The New Jersey Historic Preservation Office (NJHPO) determined in 2004 that Bass River State Forest was eligible for designation on the New Jersey and National Register of Historic Places as the (BRFHD). The NJHPO made this determination of eligibility based upon the Bass River State Forest's association with Franklin D. Roosevelt's New Deal CCC program. Approximately 4,500 acres of trees were planted in Bass River State Forest by the CCC.

In accordance with the CMP (N.J.A.C. 7:50-6.154), the Commission staff has determined that the trees proposed for removal constitute a significant historic resource. The CMP (N.J.A.C. 7:50-6.156) requires that a Certificate of Appropriateness be issued by the Commission that identifies the required treatment of significant historic resources from among three alternatives: preservation of the resource in place, if possible; preservation of the resource at another location, if preservation in place is not possible; or recordation.

Based upon review of the application, the Commission staff has determined that preservation in place is not technically feasible because obscuring the line of sight from the Bass River Fire Tower will result in a risk to public safety.

The Commission staff has determined that recordation is the appropriate treatment of the significant historic resource. This Certificate of Appropriateness requires recordation of the significant historic resource in accordance with the CMP (N.J.A.C. 7:50-6.156(c)). Recordation will be accomplished through a combination of photo-documentation prior to and subsequent to tree removal, GIS mapping, updating of known documentary records on CCC planted stands, and, if appropriate, interpretive signage.

No disturbance will occur greater than six inches below the ground surface. Based upon its review, the Commission staff determined that, since the proposed tree clearing will result in minimal ground disturbance, a cultural resource survey is not required.

The Forest Fire Service represented that NJHPO recommended planting of tree seedlings that would maintain the character of the historic pine plantations. The applicant proposes to replant the area after clearing with native tree seedlings and non-native species that existed in the previous plantation, except White pine, which will not be replanted due to its fast rate of growth.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the 16.4 acres proposed for tree clearing was completed on May 9, 2018. Newspaper public notice was completed on May 11, 2018. The application was designated as complete on the Commission's website on May 29, 2018. The Commission's public comment period closed on June 8, 2018. The Commission received verbal comments from 11 individuals at its June 8, 2018 meeting and 31 written comments (attached) regarding this application.

- Verbal Commenter 1: Tom Dougherty: The commenter opposes the proposed tree clearing because they use the trails going through the pine plantation where the existing forest fire tower and proposed clearing is located. The commenter supports the use of alternative forest fire detection technologies, such as drones. The commenter also supports finding funding for a new tower.
- Verbal Commenter 2: Richard Buzby, Chief of Little Egg Harbor Township Police Department and Office of Emergency Management: The commenter supports the proposed tree clearing. The commenter indicated that funding is a problem for raising the tower. The commenter further indicated that new forest fire detection technologies may have a role in the future. The commenter indicated that the pine plantation was planted, and the forest fire tower was built, in memory of past firefighters who died in the line of duty fighting wildfires in the Pinelands. This verbal commenter submitted written material(s) at the Commission meeting. That material(s) is attached to this Report as Document A.
- Verbal Commenter 3: Carl Swansen: The commenter opposes the tree clearing and supports the use of alternative technologies, such as cameras on towers and camera monitoring systems for wildfire detection instead of a manned fire tower. The commenter also favored replacing the existing tower with a 120 foot high tower. The commenter indicated that the acreage proposed for tree clearing is the “gateway” to the community. The commenter also indicated that the life expectancy of the existing tower may be 10 additional years. This verbal commenter submitted written material(s) at the Commission meeting. That material(s) is attached to this Report as Documents B and F.
- Verbal Commenter 4: Bill Brash: The commenter is in support of the tree clearing. The commenter indicated that current drone technology is not compatible with aerial assets necessary to put out forest fires. The commenter further indicated that a fire observer in a tower is vital in providing information to others during a forest fire. This verbal commenter submitted written material(s) at the Commission meeting. That material(s) is attached to this Report as Document C.
- Verbal Commenter 5: Carol Bitzberger: The commenter opposes the tree clearing. The commenter noted that the tower is not manned at night like a continuous video camera feed could be.
- Verbal Commenter 6: Rickie Lasowitz: The commenter opposes the proposed tree clearing and noted the aged condition of the tower. The commenter indicated that the Pinelands is a global asset. The commenter indicated that replacing the tower would decrease the acre of trees to be destroyed. The commenter supports the use of alternative technologies, such as cameras on towers, for wildfire detection. The commenter also opposes herbicide use in the State Forest. The commenter referenced a 1927 State Forest Plan for Bass River and noted that the State Forest is pro-timber industry. This verbal commenter submitted written material(s) at the Commission meeting. That material(s) is attached to this Report as Documents D and G.

- Verbal Commenter 7: Frank Runzol, Acting Fire Chief of Little Egg Harbor Township: The commenter supports the proposed tree clearing for the fire tower. The commenter indicated that, to date, alternate technologies don't work. This verbal commenter submitted written material(s) at the Commission meeting. That material(s) is attached to this Report as Document E.
- Verbal Commenter 8: April Walsh: The commenter opposes the proposed tree clearing for the forest fire tower. The commenter indicated that the fire tower constructed in 1939 is failing and poses a safety hazard to personnel using it.
- Verbal Commenter 9: Cathy Gardener: The commenter opposes the proposed tree clearing. The commenter indicated that they volunteer to lead hikes in the State Parks and that this forest is invaluable for public recreation.
- Verbal Commenter 10: John Ryan: The commenter opposes the proposed tree clearing and the resulting habitat loss. The commenter indicated that the recent State Forest clearing at Lake Absegami and at Wharton's Harrisville Lake are examples of overly drastic clearing used by the State and the commenter does not want that repeated at the fire tower. The commenter indicated there are less intrusive alternatives.
- Verbal Commenter 11: S. Anderson: The commenter opposes the tree clearing.

Written Comments

- Written Commenter 1: Sally Bourguignon: The commenter opposes the proposed tree clearing for the forest fire tower. The commenter suggests topping of the concerned trees. The commenter is concerned about impacts to wildlife. The commenter favors funding a new tower or raising the existing tower.
- Written Commenter 2: Timothy MacDonald: The commenter opposes the proposed tree clearing for the fire tower. The commenter supports alternatives. The commenter requests that the Forest Service provide a list of alternatives that they have considered. The commenter indicated the existing tower has exceeded its life expectancy.
- Written Commenter 3: Karl Swansen (dated 4/18): The commenter believes that the trees proposed for clearing, magnificent old and majestic pines, are historic plantations and living monuments. The commenter indicated that the forest is enjoyed by visitors to the forest. The commenter believes that the proposed tree clearing will be highly visible. The commenter supports the use of alternative technologies for wildfire detection.
- Written Commenter 4: Karl Swansen (dated 6/8/18): The commenter indicated that the recent forest clearing by the State at Harrisville Lake was much larger than necessary. The commenter believes that the trees are part of historic pine plantations. The commenter indicated that the existing tower is beyond its expected useful life. The commenter supports construction of a new tower

or the use of alternative technologies for wildfire detection. The commenter believes that alternate technologies would allow more accurate tracking of both firefighters and a forest fire. The commenter poses numerous questions such as why did the Forest Fire Service originally propose to clear trees from 82 acres, the cost of clearing 82 acres, why the Forest Fire Service did not consider a smaller tower in a more appropriate location and why undertake tree clearing if the life expectancy of the tower has passed. The commenter also questions the economic impact of the tree clearing on camping and the recreational economies.

Written Commenter 5:

John DiGiacomo: The commenter opposes the tree clearing. The commenter enjoys the scenic beauty of the trees. The commenter is concerned about impacts to wetlands. The commenter believes the existing fire tower is outdated. The commenter supports the use of camera systems to monitor for forest fires.

Written Commenter 6:

Carol Bitzberger (Bass River Beautification Club): The commenter opposes the proposed tree clearing. The comment appreciates the scenic beauty of the forest. The commenter indicated that the trees proposed for removal are part of an historic plantation. The commenter believes there are alternatives to clearing the trees. The commenter supports the use of alternative technologies, such as cameras.

Written Commenter 7:

Andrew and Rosemary Anderson: The commenters oppose the proposed tree clearing. The commenters are concerned about impact of the proposed tree removal on those that visit the forest and its impact on wildlife. The commenter supports alternative approaches such as replacing the existing tower with a taller tower and the use of alternative technologies, such as cameras on towers and camera monitoring systems, for wildfire detection.

Written Commenter 8:

Todd Tally: The commenter opposes the proposed tree clearing. The commenter supports the use of alternative technologies for wildfire detection. The commenter believes that the existing tower is beyond its expected service life. The commenter believes that the existing trees have historical significance.

Written Commenter 9:

Christine Tally: The commenter opposes the proposed tree clearing. The commenter believes the existing trees are a beautiful and unique piece of nature. The commenter supports the use of alternative technologies for wildfire detection. The commenter questions the cost of the proposed tree clearing, the remaining life span of the tower and the maintenance costs for the tower.

Written Commenter 10:

Eileen Brower: The commenter opposes the proposed tree clearing. The commenter supports the use of alternative technologies for wildfire detection.

Written Commenter 11:

Robyn Firth: The commenter opposes the proposed tree clearing. The commenter believes that the forest is historical and beautiful. The

commenter is concerned with the impact of proposed tree removal on those that visit the forest. The commenter supports the use of alternative technologies for wildfire detection. The commenter believes that the existing tower is beyond its expected service life.

Written Commenter 12:

Jeffery Firth: The commenter opposes the proposed tree clearing. The commenter believes that the forest is historical and beautiful. The commenter is concerned with the impact of proposed tree removal on those that visit the forest. The commenter supports the use of alternative technologies for wildfire detection. The commenter believes that the existing tower is beyond its expected service life.

Written Commenter 13:

Sonny Basore: The commenter opposes the proposed tree clearing. The commenter supports the use of alternative technologies for wildfire detection. The commenter believes that the existing tower is beyond its expected service life. The commenter believes that the existing trees have historical significance.

Written Commenter 14:

Leslie and Earl Brower: The commenters oppose the proposed tree clearing. The commenters believe that the forest is historical and beautiful. The commenter is concerned with the impact of proposed tree removal on those that visit the forest. The commenter supports the use of alternative technologies for wildfire detection. The commenter believes that the existing tower is beyond its expected service life.

Written Commenter 15:

Steve Lange: The commenter opposes the proposed tree clearing. The commenter supports the use of alternative technologies for wildfire detection. The commenter believes that clearing the forest to save the forest is counterproductive.

Written Commenter 16:

Lee-Ann Blake: The commenter opposes the proposed tree clearing. The commenter supports the use of alternative technologies for wildfire detection. The commenter believes the existing trees constitute beautiful and unique woodland. The commenter believes the existing tower is beyond its expected service life. The commenter is concerned with costly upkeep and ultimate replacement of the existing tower. The commenter believes the forest is a testament to the heritage and history of the area.

Written Commenter 17:

Sean Wilson: The commenter opposes the proposed tree clearing. The commenter supports the use of alternative technologies for wildfire detection. The commenter believes the existing trees are a beautiful and unique woodland. The commenter believes the existing tower is beyond its expected service life. The commenter is concerned with costly upkeep and ultimate replacement of the existing tower. The commenter believes the forest is a testament to the heritage and history of the area.

Written Commenter 18:

Chad Clarke: The commenter opposes the proposed tree clearing. The commenter supports the use of alternative technologies for wildfire detection. The commenter believes the existing trees are a beautiful and

unique woodland. The commenter believes the existing tower is beyond its expected service life. The commenter is concerned with costly upkeep and ultimate replacement of the existing tower. The commenter believes the forest is a testament to the heritage and history of the area.

Written Commenter 19:

Samantha Ryan: The commenter opposes the proposed tree clearing. The commenter appreciates the natural beauty of the area. The commenter supports the use of alternative technologies for wildfire detection. The commenter opposes forest clear cutting. The commenter favors replacing the existing fire tower.

Written Commenter 20:

D. Worthington: The commenter opposes the proposed tree clearing. The commenter is concerned with the impact of proposed tree removal on those that visit the forest. The commenter hopes an alternative solution can be identified.

Written Commenter 21:

Benjamin Brower: The commenter opposes the proposed tree clearing. The commenter appreciates the beauty of the white pine plantations and that the tree clearing will destroy history. The commenter supports the use of alternative technologies for wildfire detection. The commenter supports heightening the existing tower. The commenter is concerned with the impact of proposed tree removal on those that visit the forest. The commenter appreciates the history of the tree plantations that were planted by the Civilian Conservation Corps in the 1930's.

Written Commenter 22:

Katie Jaeckel: The commenter opposes the proposed tree clearing. The commenter supports the use of alternative technologies for wildfire detection. The commenter believes the existing trees are beautiful. The commenter believes the existing tower is antiquated. The commenter supports a new and higher fire tower.

Written Commenter 23:

Lindsey Brower-Hagar: The commenter opposes the proposed tree clearing. The commenter supports the use of alternative technologies for wildfire detection. The commenter appreciates the splendor of the existing trails through the trees.

Written Commenter 24:

Michael and Kristie Masucci: The commenters oppose the proposed tree clearing. The commenters live adjacent to the fire tower and are concerned with the visual impact of the tree clearing on their parcel. The commenters are concerned with the impact of herbicide use on their onsite potable water well.

Written Commenter 25:

Christopher Brower: The commenter opposes the proposed tree clearing. The commenter lives down the street from the proposed clear cut. The commenter believes that the forest has significant historical and aesthetic value to the community. The commenter believes that existing trails will be devastated by the clear cutting. The commenter supports other ways for the Forest Fire Service to achieve its goal.

- Written Commenter 26: Arthur Abline, Manchester Township Fire Safety Council Chairman: The Manchester Township Fire Safety Council supports the proposed tree clearing. The commenter believes that the public safety benefits of an unobstructed view of the area have obvious health and safety advantages. The commenter believes that the white pines were originally planted for harvesting. The commenter believes that a manned fire tower serves the vital function of coordinating resources during a forest fire.
- Written Commenter 27: William F. Brash, Jr, President New Jersey Fire Safety Council: The New Jersey Fire Safety Council supports the proposed tree clearing. The commenter believes that the public safety benefits of an unobstructed view of the area have obvious health and safety advantages. The commenter believes that the white pines were originally planted for harvesting. The commenter believes that a manned fire tower serves the vital function of coordinating resources during a forest fire.
- Written Commenter 28: Nancy Reid, Chair, Firewise Committee, Horizon at Barnegat Community: The Horizon at Barnegat Firewise Committee supports the proposed tree clearing. The commenter believes that the fire tower provides the first line of defense for detection of wildfires. The commenter believes that a manned fire tower serves the vital function of coordinating resources during a forest fire. The commenter believes that the concerned trees are not native trees.
- Written Commenter 29: Bass River Board of Commissioners: The Bass River Board of Commissioners opposes the proposed tree clearing. At its meeting of April 2, 2018, the Bass River Board of Governors adopted Resolution 2018-36 opposing the proposed clearing of trees and the associated use of herbicides due to the risk posed to residents of Bass River Township and the unsightly general appearance.
- Written Commenter 30: Jarrod Miller: The commenter opposes the proposed tree clearing. The commenter believes the Pine Barrens are a precious asset. The commenter believes that the forest is historical and beautiful to those who hike and walk through the area. The commenter supports the use of alternative technologies for wildfire detection. The commenter is concerned with the impact of the tree clearing on wildlife.
- Written Commenter 31: Ann Marie Hoffman: The commenter opposes the proposed tree clearing. The commenter believes the clear cutting would destroy the white pine plantations planted by the Civilian Conservation Corps. The commenter believes that the tree removal would destroy a beautiful portion of a trail. The commenter believes the existing tower is antiquated. The commenter supports the use of alternative technologies for wildfire detection. The commenter supports a higher replacement tower.

Staff Response to Verbal and Written Comments:

The Commission staff appreciates the interest in the Pinelands Area of all members of the public who offered comments regarding the application.

The Commission staff reviews proposed development, including tree clearing, in accordance with the regulations contained in the CMP. The standards addressed in this Report are the CMP regulations applicable to the proposed tree clearing.

If proposed development, including tree clearing, meets the regulations contained in the CMP, the CMP does not require an applicant to identify and consider alternative approaches (e.g. alternative technologies) to proposed development, including tree clearing.

As discussed in this Report, the CMP limits clearing to that which is necessary to accommodate the existing fire tower. The CMP also requires that, where practical, all clearing activities associated with the development shall avoid forested areas. The Commission staff has concluded that the proposed tree removal is limited to that which is necessary to accommodate the use of the fire tower. The Commission staff has also concluded that it is not practical for the proposed clearing to avoid wooded areas.

There are no wetlands on or within 300 feet of the proposed clearing.

The proposed tree clearing is consistent with the threatened and endangered species protection standards of the CMP.

The trees proposed for removal constitute a significant historic resource. The CMP requires that a Certificate of Appropriateness be issued by the Commission that identifies the required treatment of significant historic resource. Based upon review of the application, the Commission staff has determined that preservation in place is not technically feasible because obscuring the line of sight from the Bass River Fire Tower will result in a risk to public safety. The Commission staff has determined that recordation is the appropriate treatment of the significant historic resource. Recordation will be accomplished through a combination of photo-documentation prior to and subsequent to tree removal, GIS mapping, updating of known documentary records on CCC planted stands, and, if appropriate, interpretive signage.

The CMP does not directly regulate the visual appearance of the cleared acreage. The applicant proposes the replanting of the cleared acreage with tree seedlings.

The CMP does not regulate the structural integrity of either existing or proposed structures, such as the fire tower. However, the Commission staff does conduct “due diligence” in its review of applications. The

existing forest fire tower is still in use.

As indicated in this Report, the applicant has amended the application to eliminate the proposed use of herbicides.

CONDITIONS

1. Except as modified below, the proposed tree clearing shall adhere to the "Proposal for Silvicultural Activity on State Forest and Park lands, New Jersey State Forest Fire Service" submitted to the Pinelands Commission and dated February 13, 2018.
2. Prior to any tree clearing, the applicant shall obtain any other necessary permits and approvals.
3. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E avian species, prior to any tree clearing, the applicant shall complete a visual survey of the above referenced 16.4 acres proposed for tree clearing for potential avian T&E species cavities or nests. Any trees containing potential avian T&E species cavities or nests shall be marked and left standing.
4. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, only low ground pressure equipment shall be used for any tree clearing undertaken between November 1 and April 30.
5. Prior to any clearing of the 16.4 acres, a copy of the cultural resource recordation report shall be submitted to the Commission staff. Recordation will be accomplished through a combination of photo-documentation prior to and subsequent to tree removal, GIS mapping, updating of known forestry documentary records on CCC planted stands, and, if appropriate, installation of interpretive signage.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed tree clearing subject to the above conditions.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us

Application Specific Information: AppInfo@njpines.state.nj.us



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on July 10, 2018. The appeal must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.

Attn: Pinelands Commission

APP # 19900868.029
March 15, 2018 Doc Type 100

MAR 19 2018

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I'm a resident of Bass River Township and this has come to my attention in the newspaper on this article. I find this very upsetting that someone would think that it is ok to cut down these beautiful white pine trees for a tower when this tower has been there for several years and that there is several other towers in the area. Why this is a problem all of a sudden seems strange. I find this obscured. Did anyone think lets trim the tops of them? How about the animals? How about the beauty of it all? Also they state it would cost too much money to put up a new tower maybe we don't need a new tower how about raising this one. Once you start cutting one they all will be cut next. I am asking you not to issue a permit for this several people in this area are against it I have forward letters to local and higher authority to see if they can help stop this. You are the environmental protection agency and I would hope that you please protect our forest. I am sure that they is ways to find the money for a new tower or to repair this one to make it higher. Thank you for your time. I will be attending Bass River Township Meeting on April 2, 2018 at 7p.m. maybe someone could come down and help us.

Tlcdumplin@comcast.net

Sally Bourguignon

Box 310

New Gretna N.J. 08224

609-296-0122

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Clear Cutting Proposed for Bass River State Forest Fire Protection

Would Remove Some Historic White Pines
Mar 07, 2018

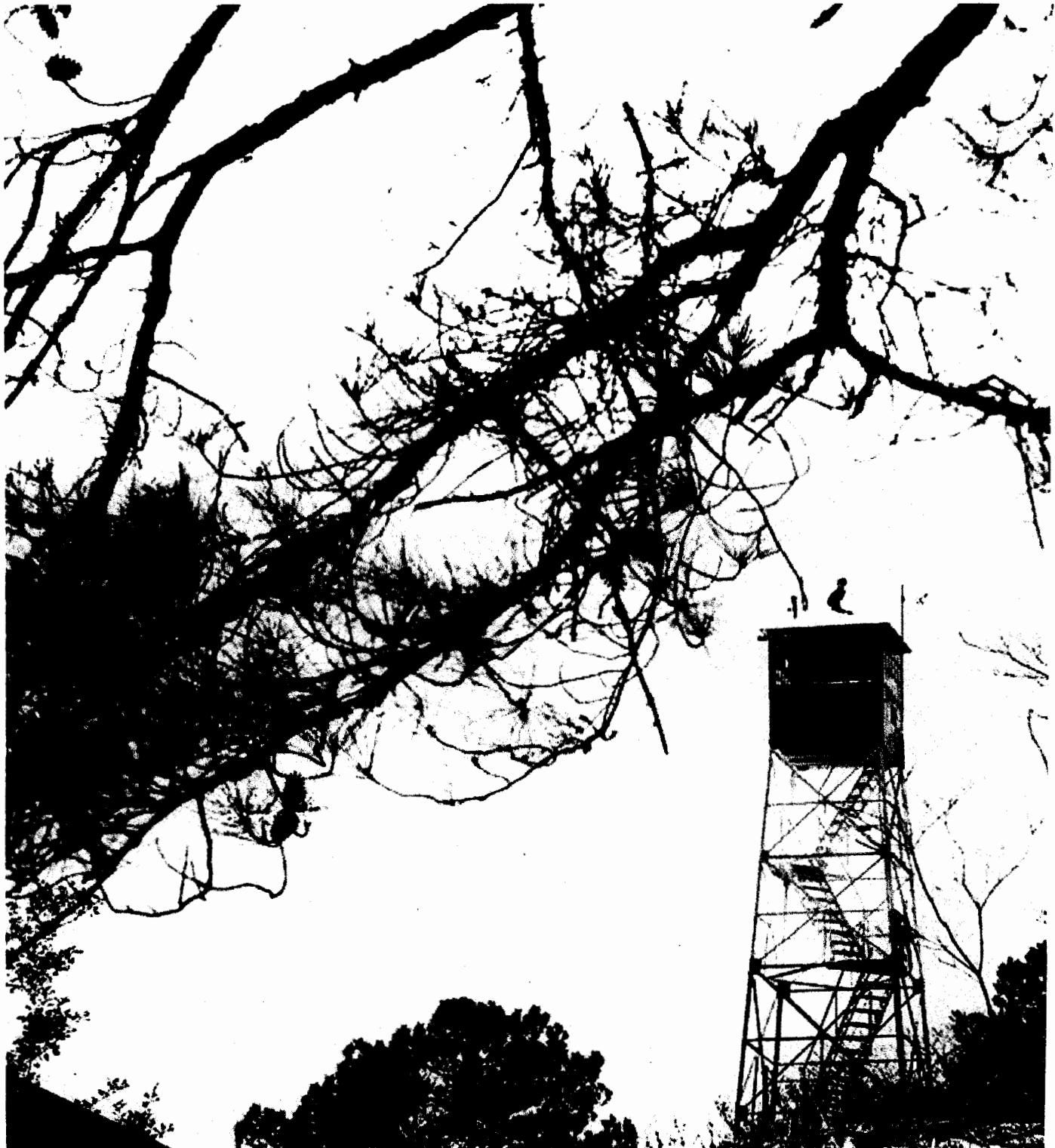


Photo by: Jack Reynolds Fire tower on East Greenbush Road in Bass River Township.



[View More...](#)

Stands of mature white pines in Bass River State Forest will be cut down by the state Department of Environmental Protection in order to improve the line of sight for the fire tower on East Greenbush Road. According to a plan designed in January by the state Forestry and Forest Fire Service, the clear-cutting of 19 acres is necessary – an additional number of acres were scrapped from the plan after local input. But part of the area to be cut is the popular 3.5-mile Pink Trail frequented by hikers in the state forest.

DEP representative Caryn Shinske said the DEP held a stakeholders meeting on Jan. 18 that included state forestry, conservation officers and the fire service as well as elected officials from Bass River Township. A PowerPoint presentation, now online on the NJDEP website, shows the areas to be cut and the rationale.

A plan to replace and raise the tower above the tree line was found to be too expensive, nearly a half-million dollars.

Of the 19 acres slated for removal, less than four acres of white pine were planted by the Civilian Conservation Corps in the 1930s. Still, the removal of those trees will detract from the historic CCC camp site and also remove a favorite trail, dubbed The Cathedral for its 80-foot high trees, said a Bass River State Forest volunteer.

During the Great Depression, President Franklin D. Roosevelt instituted the CCC as part of the Works Project Administration, which employed men to build or improve various public lands. Bass River State Forest was the first public forest in New Jersey, and the CCC planted 4,570 acres of white pine there. White pines can grow to 100 feet tall.

Over the years, the Forest Fire Service has watched the steady growth of the trees surrounding the tower begin to impact the forest fire rangers' line of sight over the Pine Barrens and surrounding communities. The report notes that the service needs to clearly see 10 miles in all directions to be effective. Presently rangers can have an unobstructed view only to the west, where most of the forested area is. But the tower ranger can see only 110 feet to the north, 170 feet to the south and 390 feet east, where much of the development lies. Between 1999 and 2016 there were nine major fires near the fire tower, including the 2007 Warren Grove fire, which burned 15,000 acres to the east of the tower, destroying one home and damaging four others. It also caused evacuations in Ocean Acres and other developments in Stafford and Barnegat townships.

An option to raise the tower rather than cut the trees is deemed unpractical due to the age of the tower, built in 1939. Building a new tower would cost \$483,000, according to one quote from Davan LLC Fire Tower Restoration.

If the clear-cutting is approved, tree cutting could start sometime this year by machine (drum chopping) and enhanced by prescribed burning, disc-cutting the soil and the application of herbicides if needed. The forest service would then replant the area with Southern species of pine that are slower growing and shorter, growing only 10 to 15 feet high in 20 years.

There is no set date to begin tree removal, said Shinske. There are several permitting steps the state must take, including getting the Pinelands Commission to issue a permit to the New Jersey Forest Fire Service for tree removal.

"Once a permit is issued, the Forest Fire Service would then commence a process where various contractors could bid on the work to be done," said Shinske.

As part of that process, the Forest Fire Service is required to notify all adjacent landowners within 200 feet of the site where trees would be removed.

The Pinelands Commission will provide public notice and schedule an opportunity for public comment after they received the application from the NJDEP. The public would be welcome to attend the meeting to comment or ask questions.

"In addition to the public comment opportunity, there were a number of environmental stakeholders at the Jan. 18 meeting, from firefighters to elected officials (including Bass River Township Mayor Debra Buzby-Cope) to conservation organizations and more," said Shinske. "To date, the Forest Fire Service has worked with the mayor and township Office of Emergency Management to develop a community wildfire protection plan to reduce overall wildfire issues."

— Pat Johnson AC Press

AppInfo - FW: 1990-0868.029 Bass River State Forest

From: "Info, PC" <info@pinelands.nj.gov>
To: "AppInfo@njpines.state.nj.us" <AppInfo@njpines.state.nj.us>
Date: 4/10/2018 9:30 AM
Subject: FW: 1990-0868.029 Bass River State Forest

From: Timothy MacDonald [mailto:macdontim@gmail.com]
Sent: Tuesday, April 10, 2018 9:20 AM
To: Info, PC
Subject: 1990-0868.029 Bass River State Forest

Bass River State Forest
Forestry to improve view from Bass River Fire Tower BLOCK 48 LOT 1

Please forward to me all information received in regards to this application to clear cut acres of mature white pine trees.

V/r,

Timothy MacDonald
159 Main st West Creek NJ 08092
macdontim@gmail.com

From: "Jeney, Robyn" <Robyn.Jeney@pinelands.nj.gov>
To: "ApplInfo@njpines.state.nj.us" <ApplInfo@njpines.state.nj.us>
Date: 4/10/2018 9:40 AM
Subject: FW: Application and Development Submission or Questions

-----Original Message-----

From: Timothy MacDonald [mailto:macdontim@gmail.com]
Sent: Tuesday, April 10, 2018 9:35 AM
To: Jeney, Robyn
Subject: Application and Development Submission or Questions

Below is the result of your feedback form. It was submitted by Timothy MacDonald (macdontim@gmail.com) on Tuesday, April 10, 2018 at 09:35:03

email: macdontim@gmail.com

subject: Application and Development Submission or Questions

print_blank_fields: 1

Name: Timothy MacDonald # 2

Mailing Address: 159 Main st West Creek NJ 08092

Contact Purpose: General Development Inquiry

Subject Municipality: Bass River Township

Existing Application Number Prefix: 1990

Existing Application Number : 0868

Existing Application Number Suffix: 029

Block01: 48

Lot01: 1

Message: I urge the commission to turn down this request as I do not believe all alternatives have been considered. The fire tower involved is past its life expectancy and even with that being extended it will have to be rebuilt again any way. There is no logical reason to clear acres of mature white pines if at some point the tower they are obstructing will have to be rebuilt. In addition, please have the forestry department submit alternatives that they have considered.

Submit: Submit

APP # 19900868.029
Doc Type 100

Bass River Old Growth Woodlands

APR 13 2018

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To: Responsible Parties
From: Bass River Township Concerned Resident
Date: April, 2018
Subject: Proposed Clear Cut

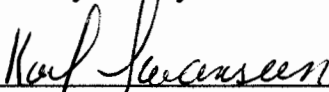
I am a very concerned resident of Bass River Township. It has come to my attention that the New Jersey Forest Fire Service is in the process of planning the clear cut of 19 acres of prime and historic woodland surrounding the Fire Tower located on East Greenbush Road in Bass River Twp.

This is not 19 acres of pitch pine and scrub oak. This is a 19 acre cathedral of magnificent old and majestic pines. It is important to note that the original proposal had an additional 63 acres, the entire plantations targeted for clear cut. Will these be the next round of cuts when they get taller? These are historic plantations and a living monument. The Civilian Conservation Corps acres were planted in 1934, the Bass River SF White Pine in 1928, and the Bass River SF Loblolly Pine in 1908. They are the closest thing we have to an old growth forest. This woodland is a treasure valued by our community and the many visitors who pass through this gateway to our many campgrounds and the Lake Absegami State Park. The proposed cut is located right off the parkway exit and runs visibly along the road. It would be a sin to defile this beautiful gateway and replace it with the blight of a clear cut.

We are told that the view from this aging fire tower(1939) is becoming blocked by these magnificent trees. There are alternatives and technologies available that would work 24/7 and may be more efficient and thorough than a human posted in a tower(see EVSUSA.biz one of many examples). I ask you to help find an alternative and stop this plan, this is a perfect opportunity to begin modernization of our fire detection capabilities and this is a perfect place to start/test these alternatives.

We are a pinelands village, our most precious and valued assets are our woodlands, waterways and wildlife.

Thank you for your attention,



Karl Swanseen, Bass River Township Resident
Karl.Swanseen@comcast.net (m)609-457-1378
POB 239, New Gretna, NJ 08224

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Bass River Proposed Clear Cut

To: Pinelands Commission Members
From: Karl Swansen, Bass River Township Resident
Date: June 8TH, 2018
Subject: Alternatives to Clear Cut

Thank you all for allowing me to address the commission this morning regarding this issue. I will be as concise as possible, your attention is greatly appreciated.

My goal is to prevent a second environmental catastrophe like the one at Harrisville Lake where a much larger than needed clear cut destroyed an area that has been used by local residents for generations (attached 1).

Some of the reasons we want to save these historic plantations are described in the second attachment (attached 2).

Senator Connors acknowledge my letter and requested DEP Commissioner McCabe to review and consider it and further to assign an appropriate member of staff to contact me directly to review my concerns and possible solutions (attached 3). There was no response and contact even after I called her office twice as follow up.

I requested a copy of the Power Point presentation by the forest fire service promoting the proposed clear cut. I received the power point and in reviewing it there arose several very important questions that need to be addressed in order for anyone to make an informed decision. I submitted these questions to Jeremy Webber, Assistant Division Forest Firewarden who responded to my original request. After five attempts there was no response to the questions (attached 4).

The problem is the old tower is no longer tall enough to view over the adjacent historic plantations. The old tower is already 10 years beyond the expected useful life. Either a new tower should be erected in a location that requires a shorter tower to reduce expense or preferably the existing EVS ForestWatch system (www.evsolutions.biz) that is already in use should be expanded to cover this area. This would require low capital expenditure relative to constructing a new tower. It would require the system to be taken seriously, the internet connection to be up to spec, and at least one person to be adequately trained. This system is used heavily in Oregon, California, and Canada. The system works and this is a perfect place and situation to implement this technology. EVS contact is David Foley [541-236-7040](tel:541-236-7040). The system is located at Division B Forest Fire Service in Monmouth and the camera is located on a police tower. I was told that the system came with high speed fiber internet connectivity, but that was pulled out by the state IT department and is the source of frustration and choppy response when trying to use the system to full potential. Hands on contact there is John Reith [609-726-9010](tel:609-726-9010). When properly implemented this system can monitor many towers from a central location with fewer staff and past daylight hours.

The fire service's emotional appeal at today's meeting is appreciated, but please keep in mind that when

the local firefighters commemorated at the memorial lost their lives the fire tower was in place and the plantations were in their infancy. Perhaps the technology we have today could have allowed more accurate tracking of both the firefighters and the movement of the fire itself.

The following are questions I could not get responses to:

The original proposal calls for the clear cut of 82 acres, the entire plantations. Why if 16 acres gives 100% visibility. (With no response it must be assumed that the eventual goal is complete evisceration.)

The proposal does not address the cost of the clear cut of 82 acres, removal of stumps, chipping of brush and then restoration. (Who will be making how much on this?)

The relocation of a smaller tower in a more appropriate location is not mentioned, only the very expensive replacement in place with a massive 120 foot tower. (Why would only the most expensive possible alternative be mentioned?)

Why would a clear cut be done when this tower is past its life expectancy already? It would not cost much more and maybe less to erect a tower now than later if that is the plan.

This clear cut would be at the gateway to our recreational area. Has the economic impact to our camping and recreation economy been considered?

Thank you for your attention,

Karl Swanseen, Resident of Bass River Township



 Gone Hikin

Gone Hikin': Wharton State Forest, NJ - Harrisville Pond

Parking at Harrisville Pond

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Bass River Old Growth Woodlands

To: Responsible Parties
From: Bass River Township Concerned Resident
Date: April, 2018
Subject: Proposed Clear Cut

I am a very concerned resident of Bass River Township. It has come to my attention that the New Jersey Forest Fire Service is in the process of planning the clear cut of 19 acres of prime and historic woodland surrounding the Fire Tower located on East Greenbush Road in Bass River Twp.

This is not 19 acres of pitch pine and scrub oak. This is a 19 acre cathedral of magnificent old and majestic pines. It is important to note that the original proposal had an additional 63 acres, the entire plantations targeted for clear cut. Will these be the next round of cuts when they get taller? These are historic plantations and a living monument. The Civilian Conservation Corps acres were planted in 1934, the Bass River SF White Pine in 1928, and the Bass River SF Loblolly Pine in 1908. They are the closest thing we have to an old growth forest. This woodland is a treasure valued by our community and the many visitors who pass through this gateway to our many campgrounds and the Lake Absegami State Park. The proposed cut is located right off the parkway exit and runs visibly along the road. It would be a sin to defile this beautiful gateway and replace it with the blight of a clear cut.

We are told that the view from this aging fire tower(1939) is becoming blocked by these magnificent trees. There are alternatives and technologies available that would work 24/7 and may be more efficient and thorough than a human posted in a tower(see EVSUSA.biz one of many examples). I ask you to help find an alternative and stop this plan, this is a perfect opportunity to begin modernization of our fire detection capabilities and this is a perfect place to start/test these alternatives.

We are a pinelands village, our most precious and valued assets are our woodlands, waterways and wildlife.

Thank you for your attention,

Karl Swansen, Bass River Township Resident
Karl.Swansen@comcast.net (m)609-457-1378
POB 239, New Gretna, NJ 08224

From: Connors, Sen. D.O. SenConnors@njleg.org
Subject: New Jersey Forest Fire Service is planning to clear approximately
19 acres of prime and historic woodlands
Date: Apr 26, 2018, 3:18:33 PM
To: Karl.swanseen@comcast.net



Senator Christopher J. Connors
Assemblyman Brian E. Rumpf
Assemblywoman DiAnne C. Gove

Phone: (609) 693-6700 / (732) 240-0266
Website: <http://district9.senatenj.com>
Email: senconnors@njleg.org



April 25, 2018

Mr. Karl Swanseen
Karl.swanseen@comcast.net

Dear Mr. Swanseen:

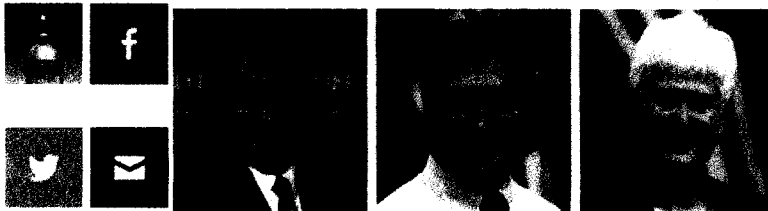
This is to acknowledge receipt of your recent outreach to our 9th District Legislative Office. Please know that as we continue to share a unified legislative office, our Delegation strives to work cooperatively on behalf of the residents of Ocean, Burlington, and Atlantic counties.

In your letter, you express your tremendous concern that the New Jersey Forest Fire Service is planning to clear approximately 19 acres of prime and historic woodlands that surround a fire tower located on East Greenbush Road in Bass River Township. You describe up to 63 acres originally planned for clearing as historic plantations and a living monument. Your letter also serves as a reminder that these majestic trees were planted by the Civilian Conservation Corps (CCC), with acres of different tree species planted by the CCC in 1908, 1928, and 1934. Unfortunately, it appears that this project, in particular, is meant to clear the view for an aging fire tower constructed in 1939. Your letter provides possible alternatives to updating the fire tower and, therefore, eliminating the need for the clearing of the woodlands. We certainly understand your concern and frustration, as well as your thoughts concerning a possible resolution in this matter. While we are unable to be of direct assistance to you, rest assured we are going to try to help.

*** By copy of this reply, we are forwarding a copy of your letter to the attention of New Jersey Department of Environmental Protection Acting Commissioner Catherine McCabe for review and consideration. We are also requesting that Acting Commissioner McCabe assign an appropriate member of her staff to contact you directly in order to consider your concerns and possible solutions. Therefore, we trust you will hear from a DEP representative very soon. In the meantime, if we receive any correspondence in our District Office associated with your casework, we will advise you at that time.**

Constituent Services **CONNORS, RUMPF & GOVE**

Senator Christopher J. Connors
Assemblyman Brian E. Rumpf
Assemblywoman DiAnne C. Gove
Phone: (609) 693-6700 / (732) 240-0266
Email: senconnors@njleg.org



May 18, 2018

**Ms. Carol Bitzberger, Coordinator
Bass River Beautification Club
cbitzber@comcast.net**

RE: Bass River State Forest – Fire Tower (JS)

Dear Ms. Bitzberger and Members:

This is in response to your recent communication to our 9th District Legislative Office regarding the proposal put forth by the New Jersey Forestry Department to cut down trees in proximity to the fire tower in Bass River State Park as a means of improving visibility.

Thank you for your continued outreach and thoughtful input. You will want to know that our Delegation recognizes the concerns that many local residents and supporters of the State Park have regarding the proposed tree clearing, including the impact on popular trails.

Our Legislative District encompasses a large portion of the Pinelands and, as such, we are conversant with Pinelands-related issues, including forest fire prevention and the operations of State Parks within said area. In response to your inquiry, please be advised that on those issues falling under the jurisdiction of the State, our Delegation's priority has consistently been to represent the interests of local residents which, appropriately, begins with working in concert with their local elected officials. In light of all the significant issues at stake, including public safety and the environment, greater weight should be given to the concerns and insight of local residents and local officials in the decision making process in view of the fact that they live in proximity to the State Park and are, thereby, impacted to a greater extent by Park operations.

To that end, you will want to know Senator Connors recently met with Bass River Mayor Deborah Buzby-Cope and discussed, at length, the tree clearing –fire tower proposal. First and foremost, Mayor Buzby-Cope clearly and strongly conveyed the concerns of our mutual constituency, emphasizing that there is a better way forward that does not entail the clearing of trees and that full consideration should be given to utilizing technology.

Again, thank you for your outreach and valued input. Moving forward, we hope to

From: **Karl Swanssen** karl.swanssen@comcast.net
Subject: **Re: Contact NJDEP E-Mail #010089 - NHR (Bass River clear cut)**
Date: **Apr 26, 2018, 2:54:23 PM**
To: **Webber, Jeremy** Jeremy.Webber@dep.nj.gov
Cc: **Fratti, Cynthia** Cynthia.Fratti@dep.nj.gov, **Valentin, Maria** Maria.Valentin@dep.nj.gov, **Glass, Lisa** Lisa.Glass@dep.nj.gov, **Dill, Mary** Mary.Dill@dep.nj.gov, **McLaughlin, Gregory** Gregory.McLaughlin@dep.nj.gov, **Wyckoff, Todd** Todd.Wyckoff@dep.nj.gov, **Bitzburger Carol** cbitzber@comcast.net, **Amanda Somes** bassriverclerk@comcast.net, **commissioner@dep.nj.gov**

Jeremy,

I appreciate your reply, but there is no response to my questions. Would you or someone else please address these questions that are of primary importance to making any decision in this matter.

Karl Swanssen

On Apr 26, 2018, at 2:35 PM, Webber, Jeremy <Jeremy.Webber@dep.nj.gov> wrote:

Dear Mr. Swanssen,

Thank you for expressing your views on the New Jersey Department of Environmental Protection's proposed plans for the fire tower in Bass River State Forest. We certainly share your appreciation for trees, and we understand their importance to our environment and to our visitors' experience at Bass River State Forest. It is our responsibility to protect the lives and property of New Jerseyans residing near our state forests and to do all we can to ensure the safety of our forest firefighters. Please know that your comments will be fully considered as we move forward.

Jeremy Webber
Assistant Division Forest Firewarden
Trenton Headquarters

From: Karl Swanssen [<mailto:karl.swanssen@comcast.net>]
Sent: Thursday, April 19, 2018 9:33 AM
To: Webber, Jeremy <Jeremy.Webber@dep.nj.gov>

Cc: Fratti, Cynthia <Cynthia.Fratti@dep.nj.gov>; Valentin, Maria <Maria.Valentin@dep.nj.gov>; Glass, Lisa <Lisa.Glass@dep.nj.gov>; Dill, Mary <Mary.Dill@dep.nj.gov>; McLaughlin, Gregory <Gregory.McLaughlin@dep.nj.gov>; Wyckoff, Todd <Todd.Wyckoff@dep.nj.gov>; Bitzburger Carol <cbitzber@comcast.net>; Amanda Somes <bassriverclerk@comcast.net>
Subject: Re: Contact NJDEP E-Mail #010089 - NHR (Bass River clear cut)

Jeremy,

I thought I should provide some additional feedback to the power point since you seem to be taking time to formulate a response. I have attached a letter outlining my concerns and added an additional question to my original email.

Thank you for your attention, if I should be directing my concerns to another person please advise.

Karl Swanseen
[609-457-1378](tel:609-457-1378)

On Apr 11, 2018, at 6:08 AM, Karl Swanseen <karl.swanseen@comcast.net> wrote:

Thank you Jeremy,

After viewing the presentation, I had a couple questions I would appreciate your response to.

The original proposal calls for a clear cut of the entire plantations, 82 acres. Then it is reduced to 19 acres and you have 100% visibility. So then, is the plan to clear cut the rest when they grow taller?

The power point does not indicate the cost of the clear cut option, can you provide an estimate?

The option of using technology/cameras to monitor and report like they use in many other locations in the US is not presented. Has this been considered and why was it not

included as an option.

It seems another option would be to relocate a much lower and less expensive tower to a less sensitive location. Has this been considered?

There has been some concern about the condition and remaining usefulness of the aging tower, what is it's condition and expected useful life?

Finally, what is the estimated long term cost to our local tourism industry from a clear cut at the gateway to our campground and recreational area. This proposal converts a beautiful forest gateway into an ugly mess.

We need to seriously consider all options.

Thank you for your attention,

Karl Swanssen
609-457-1378

| On Apr 9, 2018, at 2:45 PM, Webber, Jeremy <Jeremy.Webber@dep.nj.gov> wrote:

Dear Mr. Swanssen,

Below is the link you requested.

http://www.state.nj.us/dep/parksandforests/fire/docs/bassriver_01_22_2018_JAW.pdf

Thanks for your interest in this matter.

Jeremy A. Webber

Written Commenter #5

APP # 19900868.029
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APR 19 2018

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To: NJ Pinelands Commission,,

My name is John DiGiacomo, I live in Bass River Township NJ. It has been brought to my attention the Forestry Department intends to clearcut 20 acres of trees around the fire tower on Greenbush Road in the township. ✓

I am heartbroken at the mention of this. The area is no ordinary stand of trees. It encompasses the Pink trail attended by the Bass River State Campground. An area I refer to as the Cathedral in the woods. I am an avid trail runner and Mountain Biker, it is my favorite trail. Please do not cut it down.

It seems to me the fire tower itself is an outdated mode of watching for forest fires as satellites can see a penny from outer space. Camera systems are used in most other areas of the country. It also seems counterproductive to cut down the forest so as not to have a forest fire in said forest.

Can nothing be done to stop this? The area encompasses wetlands that feed into the Bass River.

Please Help,
John DiGiacomo
PO Box 125
5618 rt 9
New Gretna NJ 08224..

Written Commenter #6

Date: 04/21/2018

To: Pinelands Commission

Subject: Bass River Fire Tower – Removal of Trees

From: Bass River Beautification Club

APP # 19900868.029
Doc Type 100
APR 24 2018
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The Beautification Club in Bass River Township is just a small informal group of volunteers that tries to help make our Township look better. Recently we heard that the New Jersey Forest Fire Service was planning to clear-cut approximately 20 acres of trees surrounding the existing area of the Fire Tower that is in Bass River down the road from Lake Absegami. Many residents and tourists enjoy this scenic view of the trees and the water. People utilize this area for hiking, horseback riding, biking and camping. The reason sighted for removal of trees was that the trees block the view of the Fire observers when up in the tower. The present tower is 80 feet tall.

Bass River Township is currently a district that comprises about 72 square miles of area, and is a very rural community of which much of our land is designated as Pinelands. There are six campgrounds and two rivers running through the township that bring the 'love' of nature to many visitors, and of course, to our residents. The trees, subject for removal, are part of a historic plantation. The Civilian Conservation Corps acres were planted in 1934, the Bass River state forest white pine in 1928, and the Bass River state forest Loblolly pine in 1908. It would be a shame to remove a historic and living monument.

Believe me I know how important it is to keep forest fires under control and from happening, and the importance of the fire tower to help detect fires and get assistance out as soon as possible. Forest fires cause a lot of destruction to the trees that support our air and water systems, cause danger to residents when the fire occurs near their home, and let us not forget the wildlife that can be destroyed.

We looked at the possible options the Forest Fire Service stated:

Option 1 - Raise Tower: Not feasible. Tower is past service life. Same company that gave a quote for new tower to be built.

Option 2 - Replace tower with new one that is 40ft. taller. Cost is \$483,000 as quoted by Davana LLC.

Option 3 - Two phase approach using clear-cut method for removal of pole sized timber in stands 1-3 in 2018 and stands 4, 6, 7, 8 in 2019 followed by drum-chopping, prescribed burning, treatment with herbicide, and discing (if required) to completely remove standing vegetation. Replant with southern tree species. Most importantly - Forest Fire Service does not state how much this would cost.

We believe there are alternatives that can be looked into and may even possibly work more efficiently than a human in a fire tower, and we can save the acres of trees. We don't support building a new tower because of the cost approximately \$500,000. Raising the tower would be a waste of money because the present tower is old and would not last many more years. Today, we have a world of technology that we should make use of to better protect human, animal and plant life from fire.

Another option would be to install a high definition, remote controlled, network attached camera that can be installed well above the trees to scan forested areas and detect fire/smoke. According to Forest Watch, a company who designs and installs camera based fire detection, the camera can reduce time between fire detection, discovery, dispatch, increase situational awareness and provide real time visual data. Not to mention it may reduce staff costs and detect fires at night. A camera can overlook large areas on a 24/7 basis and be remotely controlled. This system is now being used in Oregon, California, Minnesota, and Canada, so information can be available on the advantages and disadvantages of this system. Bass River does have a nearby communications tower at the NJ State Police – Troop D Bass River Barracks where the camera system could be installed and be higher than eighty feet, and at a cost that would be much lower than installing a new tower.

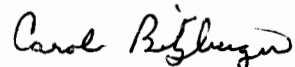
We do hope that you will take the time and look into this situation. We are including a couple of sites that may be helpful in understanding the installation and workings of a camera installed system:

<http://www.firesafemarin.org/remote-fire-detection-cameras>

<http://evsusa.biz/productsservices/forestwatch/>

Thank you in advance for reading our concerns,

Bass River Beautification Club



Carol Bitzberger-Coordinator

Bonnie Adams

Sandy Bourguignon

Ken Rose

April Dolch

Ben Wurst

ForestWatch®

Wildland Fire Detection and Monitoring System

A key component in successfully preventing widespread destruction from wildland fires is early detection.

EnviroVision Solutions (EVS) offers the ForestWatch® wildland fire detection system which uses advanced video analytics and precision cameras to detect the first indications of smoke from a wildland fire.

Fire agencies, in years past, constructed fire lookout towers staffed by trained personnel who were relied upon to alert firefighters of new blazes. In the early 1900's, when the first towers were erected, communication was accomplished via carrier pigeon and Morse code using heliography; the Osborne Fire Finder was developed to plot the location of the fire.

Radios, cellphones, Global Positioning Systems, and computers have helped advance the art and science of fire detection and firefighting methods to a cost effective, highly efficient system, but the initial detection of a wildfire is still largely dependent on the human eye detecting signs of fire.

The ForestWatch® software leverages modern technologies to alert watchers to the potential presence of a fire, to precisely map the location, and provide images, with an accurate latitude and longitude, to dispatch centers and responders. Fire agencies can use this information to quickly and accurately determine the risk and confidently deploy an appropriate initial attack. EVS has installed this system on more than 250 Lookouts, cell towers, and other structures globally, and has over a decade of operational experience.

Camera Capabilities

EVS' cameras are installed singly or in pairs to monitor a full 360° panorama from a view point. In normal operation the camera is constantly scanning, under computer direction, continually on watch for signs of smoke. A detection operator, monitoring several cameras, can take manual control of any camera with a mouse click, zoom to target and utilize the high magnification lens and high resolution imagery to identify and validate the source of a suspected smoke. Near-infrared capabilities allow the cameras to see through smoke, to the flaming front of the fire, providing fire managers with real time situational awareness.



Computer Detection

The ForestWatch® software running at each camera location controls the camera, performs image stabilization, enhancement, and compression to reduce the communication bandwidth by 40:1 or more while delivering high quality images back to a central monitoring location.

The Detector component of the ForestWatch® software utilizes these high quality images and EVS' proprietary algorithms to provide early detection of smoke while discriminating between smoke and dust clouds, fog, flocks of birds, and other false positives. When an alert is generated by the ForestWatch® software it draws a bounding box on the image displayed on the operator workstation. The operator can inspect the area of interest using the powerful camera features and vision enhancements built into the system to investigate far more quickly and effectively than traditional methods would allow.

Once a potential fire has been verified the system can be used to alert responsible parties via email, SMS, or telephone, and the images may be viewed from any internet browser using the ForestWatch Online web presence.

Custom Map Display

As part of the ForestWatch® installation a Geographic Information System(GIS) component is loaded which includes topographic data allowing the cameras to be fully georeferenced. This means a fire's coordinates can be determined from a single camera without triangulation. Known facilities and activities which may cause false alarms can be identified and masked. The GIS map display can import standard ESRI shapefiles, allowing easy integration of locally relevant data. Names of specific landmarks and structures can be added to aid locational awareness and assist in guiding responders. As the operator moves the cursor across the image the Latitude and Longitude are continuously displayed. An operator can produce images of the fire and it's location and make them available to fire personnel outside the monitoring center. Burn permits, lightning data, weather station data, and automated vehicle location data may also be displayed on the camera images or on the GIS display.

Eyes in the Dark

Many wildfires start at night when detection is more difficult and the risk of resources being dispatched to a wrong location are higher due to darkness. The nighttime detection mode of ForestWatch® allows 24 hour detection, and the georeferenced imagery leaves no doubt about the

location of a fire. A daytime view of the area of interest can be overlaid on the night view to provide the operator with visual context. The ForestWatch® software can be trained to ignore the usual lights at night in an area which allows precise detection of brighter than normal or unusually located light sources, even in urban interface areas with numerous lights and roadways.

Image Access

Unlike staffed lookout towers, all EVS camera images can be viewed on any device anywhere with Internet access and a web browser, including smart phones and tablets. This gives fire managers and firefighters unparalleled access to near real-time images, providing fire intelligence and situational awareness.

ForestWatch® provides Fire Managers with the ability to monitor emerging and ongoing incidents, to maximize the effectiveness of available resources and to identify if there is a need to order additional resources. Increased situational awareness at the command center enhances firefighter safety. ForestWatch® systems allow a fire agency to more effectively utilize personnel and resources.

Forensics

The ForestWatch® system archives image and telemetry data from all cameras continually. This information can be used in fire investigations and in the prosecution of arsonists. The date and time stamped on each image provides solid evidence of what happened when. The system has also been effective in the prosecution of poaching, vandalism, timber theft, and has assisted in Search and Rescue operations. The continuous tracking of a fire's full lifecycle also helps with the After Action Review to help hone skills and evaluate the effectiveness of specific actions.

Cost Effectiveness

Utilizing the ForestWatch® system a single operator working from a secure central location can monitor many remote Protection Zones, surveying thousands of square miles with computer enhanced vision and awareness. A smoke event can be detected, located precisely, and evaluated by this operator within minutes of ignition. If an alarm is raised the dispatch center gets not only the location

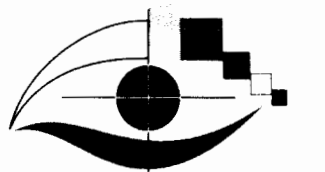
and description of the fire but that actual image that raised the alert, as well as historic images. They have the full GIS map display at their fingertips, and the ability to track the development of the fire visually minute by minute.

The cost of the ForestWatch software and infrastructure to support a remote camera system represents a small fraction of the cost that would be required to support a staffed lookout. The system can also augment currently staffed towers by offering after hours coverage, powerful camera optics, georeferencing, and a high speed digital communication channel available to the tower lookouts. Low power consumption and environmental hardening allow for remote, off-grid installations.



Field Tested

Douglas Forest Protective Association (DFPA) has been using the ForestWatch Wildfire Detection and Monitoring System across Southwestern Oregon since 2006. At their dispatch center in Roseburg, Oregon, operators at four workstations monitor 30 cameras overlooking thousands of square miles of commercial timber, public, and recreational lands. The system currently serves several agencies including the Oregon Department of Forestry, The Bureau of Land management, and the United States Forest Service. Other large deployments in Canada and California attest to the systems effectiveness.



EVS
EnviroVision Solutions

For more information on ForestWatch®
please contact us:
Phone: 541-236-7040
Email: Info@EVSolutions.biz

EnviroVision Solutions USA
1224 NE Walnut #144
Roseburg, Or. 97470
Or visit our website at:
<http://www.EVSolutions.biz>

Written Commenter #7

Andrew & Rosemary Anderson
35 Golddecker Road
Egg Harbor City, NJ 08215 (mailing address)
[physical address is New Gretna/Bass River Twp]
609-294-0383
RoseAnderson831nj@gmail.com

cc: N. Wittenberg
APP # 19900868.029
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April 16, 2018

Mr. Gregory McLaughlin
State Fire Warden
New Jersey Forest Fire Service, a Division
of NJ Department of Environmental Protection
Mail Code 501-04, PO Box 420
Trenton, NJ 08625-0420

Re: Bass River State Forest Fire Tower/Razing of Acreage Proposal

Dear Mr. McLaughlin:

We are writing to respectfully request that the NJ Forest Fire Service consider other options to improve its ability to clearly view, from the fire tower, the Bass River State Forest, other than the clear-cutting of almost 19 acres of white pine and other conifers in that forest which has been proposed.

Not only do we disagree with what, in our view, is an extreme action -- extensive destruction of 19 acres of the forest by razing the trees -- we are also concerned about the impact on residents and visitors who frequent the forest for hiking, horseback riding, biking and camping, not to mention the devastating impact this would have on the wildlife in that area.

We understand that, as of early April, a formal development application has not been submitted to the Pinelands Commission, and that one commission official has stated that tree-cutting is not a prohibited use but the public would be invited to comment should an application be submitted. Regardless of whether an application is submitted, we ask that the Forest Fire Service consider the following options:

- 1) Replace the aging tower with a taller structure; it is already 10 years past its expected life span; or
- 2) Implement use of an efficient and effective technology, such as the ForestWatch® Wildfire Detection and Monitoring System, which could be installed on the current fire tower or perhaps the communications tower at the NJ State Police's Troop D Bass River Barracks. We understand that each camera of this system covers 400 square miles.

While we have no first-hand knowledge of this particular company or other similar ones and are not offering any type of endorsement, we firmly believe that this type of technology should be considered as a viable option. This system is being used in Oregon, California, Minnesota and Canada, and the forest fire services in those states could be a valuable resource as this technology is considered.

Here are the benefits, excerpted from the ForestWatch®'s website:

Significant reduction in time between fire ignition, discovery and dispatch.

Minutes matter when you're dealing with a fire. Automated detection systems alert vision system operators to an event from the outset and provide them with tools to monitor progression and coordinate a response at the click of a mouse.

Greatly increase situational awareness while reducing staff costs.

ForestWatch® has been designed to enhance the role of lookouts as custodians of the forest. A single operator can monitor up to 8 cameras using a multi-view display, vastly expanding their field of view while reducing blind spots. Automatic alerts also help combat fatigue and human error.

Real-time visual and weather data.

Automated detection systems are a vital tool in monitoring and responding to an incident as it happens. Live images and other information gained from system sensors (e.g. temperature, wind speed, wind direction) can greatly assist authorities in coordinating and adjusting their response as, or before, the situation changes. A more efficient response can then be coordinated minimizing risk to firefighters and preventing more property destruction.

Multiple uses for year-round operational efficiency.

ForestWatch® can be used for more than just fire detection and decision support. Uses outside of fire season include surveillance to combat arson, poaching and theft, and to monitor carbon emissions. The powerful archiving and record keeping function of ForestWatch® also makes it ideal for post-event analysis, providing excellent visual evidence in the case of lawsuits and insurance claims.

We greatly appreciate and thank you for your thoughtful deliberation of our request and hope that our concerns, and those of other Bass River Township residents, will be considered.

Sincerely,



Andrew & Rosemary Anderson

cc: *The Honorable Phil Murphy, NJ Governor*

*The Honorable Catherine R. McCabe, Acting Commissioner
NJ Department of Environmental Protection*

*The Honorable Sean W. Earlen, Chairman, and
Ms. Nancy Wittenberg, Executive Director
New Jersey Pinelands Commission*

*The Honorable Christopher J. Connors
Member, NJ State Senate*

*The Honorable DiAnne Gove
The Honorable Brian E. Rumpf
Members, NJ General Assembly*

*The Honorable Deborah Buzby-Cope, Bass River Twp Commissioner & Mayor
The Honorable Nicholas Capriglione, Bass River Twp Commissioner & Deputy Mayor
The Honorable Louis Bourguignon, Bass River Twp Commissioner*

cc: S. Earlen

Andrew & Rosemary Anderson
35 Golddecker Road
Egg Harbor City, NJ 08215 (mailing address)
[physical address is New Gretna/Bass River Twp]
609-294-0383
RoseAnderson831nj@gmail.com

April 16, 2018

Mr. Gregory McLaughlin
State Fire Warden
New Jersey Forest Fire Service, a Division
of NJ Department of Environmental Protection
Mail Code 501-04, PO Box 420
Trenton, NJ 08625-0420

Re: Bass River State Forest Fire Tower/Razing of Acreage Proposal

Dear Mr. McLaughlin:

We are writing to respectfully request that the NJ Forest Fire Service consider other options to improve its ability to clearly view, from the fire tower, the Bass River State Forest, other than the clear-cutting of almost 19 acres of white pine and other conifers in that forest which has been proposed.

Not only do we disagree with what, in our view, is an extreme action -- extensive destruction of 19 acres of the forest by razing the trees -- we are also concerned about the impact on residents and visitors who frequent the forest for hiking, horseback riding, biking and camping, not to mention the devastating impact this would have on the wildlife in that area.

We understand that, as of early April, a formal development application has not been submitted to the Pinelands Commission, and that one commission official has stated that tree-cutting is not a prohibited use but the public would be invited to comment should an application be submitted. Regardless of whether an application is submitted, we ask that the Forest Fire Service consider the following options:

- 1) Replace the aging tower with a taller structure; it is already 10 years past its expected life span; or
- 2) Implement use of an efficient and effective technology, such as the ForestWatch® Wildfire Detection and Monitoring System, which could be installed on the current fire tower or perhaps the communications tower at the NJ State Police's Troop D Bass River Barracks. We understand that each camera of this system covers 400 square miles.

While we have no first-hand knowledge of this particular company or other similar ones and are not offering any type of endorsement, we firmly believe that this type of technology should be considered as a viable option. This system is being used in Oregon, California, Minnesota and Canada, and the forest fire services in those states could be a valuable resource as this technology is considered.

Here are the benefits, excerpted from the ForestWatch®'s website:

Significant reduction in time between fire ignition, discovery and dispatch.

Minutes matter when you're dealing with a fire. Automated detection systems alert vision system operators to an event from the outset and provide them with tools to monitor progression and coordinate a response at the click of a mouse.

Greatly increase situational awareness while reducing staff costs.

ForestWatch® has been designed to enhance the role of lookouts as custodians of the forest. A single operator can monitor up to 8 cameras using a multi-view display, vastly expanding their field of view while reducing blind spots. Automatic alerts also help combat fatigue and human error.

Real-time visual and weather data.

Automated detection systems are a vital tool in monitoring and responding to an incident as it happens. Live images and other information gained from system sensors (e.g. temperature, wind speed, wind direction) can greatly assist authorities in coordinating and adjusting their response as, or before, the situation changes. A more efficient response can then be coordinated minimizing risk to firefighters and preventing more property destruction.

Multiple uses for year-round operational efficiency.

ForestWatch® can be used for more than just fire detection and decision support. Uses outside of fire season include surveillance to combat arson, poaching and theft, and to monitor carbon emissions. The powerful archiving and record keeping function of ForestWatch® also makes it ideal for post-event analysis, providing excellent visual evidence in the case of lawsuits and insurance claims.

We greatly appreciate and thank you for your thoughtful deliberation of our request and hope that our concerns, and those of other Bass River Township residents, will be considered.

Sincerely,



Andrew & Rosemary Anderson

cc: *The Honorable Phil Murphy, NJ Governor*

*The Honorable Catherine R. McCabe, Acting Commissioner
NJ Department of Environmental Protection*

*The Honorable Sean W. Earlen, Chairman, and
Ms. Nancy Wittenberg, Executive Director
New Jersey Pinelands Commission*

*The Honorable Christopher J. Connors
Member, NJ State Senate*

*The Honorable DiAnne Gove
The Honorable Brian E. Rumpf
Members, NJ General Assembly*

*The Honorable Deborah Buzby-Cope, Bass River Twp Commissioner & Mayor
The Honorable Nicholas Capriglione, Bass River Twp Commissioner & Deputy Mayor
The Honorable Louis Bourguignon, Bass River Twp Commissioner*

From: Tally, Todd (AME) <toddt@atlantic-me.com>
Sent: Wednesday, June 06, 2018 3:49 PM
To: AppInfo, PC
Cc: christopher connors - senconnors; brian rumpf; dianne gove
Subject: RE: Application # 1990-0860.029

I am opposed to the proposal to clear cut the trees around the almost 80 year old Bass River fire tower.

There are much more intelligent options available than to decimate 16 Acres of incredibly beautiful and unique woodland.

For those to say that a specialized camera could not be utilized are effectively are either unfamiliar with the available technology or not open minded enough to understand what is possible. Think about ten years ago somebody telling you that you will have broadband speed internet on your mobile phone. This is not to say there could be some challenges with the implementation, but there are many more pros than cons.

Clear cutting the trees will do nothing to change the fact that this tower is beyond it's expected service life. There are many questions that need to be addressed before the approval would be granted to make a hasty decision that would still not save any money down the road with a tower that will either need costly upkeep or ultimately replacement.

A simple internet search will find a plethora of information on the topic and I have pasted a couple of examples below.

<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.583.5432&rep=rep1&type=pdf>

https://www.axis.com/files/success_stories/ss_gov_novgorod_50554_en_1302_lo.pdf

<http://www.firesafemarin.org/remote-fire-detection-cameras>

<http://evsolutions.biz/>

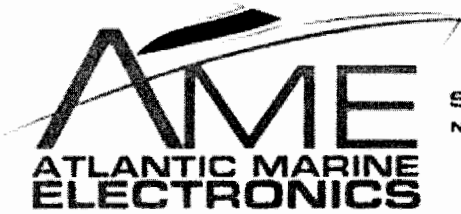
I feel it is important to be leaders of the future while protecting the past and this plantation of trees is a great testament to the heritage and history of the area. Once that is gone it is forever and I have complete confidence that remote video monitoring for wildland protection will be preferred method in the not very distant future.

I am a Bass River Township resident who enjoys this area for recreation on a regular basis, to lose it would be a tragedy. I also understand the importance of wildland fire protection and feel that we should be intelligent enough to create a better solution.

Please make a responsible solution and deny this application.

Thank you,

Todd Tally
General Manager
toddt@atlantic-me.com
Office-609.296.8826
Mobile-609.432.3931
www.atlantic-me.com



SALES, SERVICE, INSTALLATION
NAVIGATION, COMMUNICATION, ENTERTAINMENT
NJ 809 296-8826 • FL 561-493-2833
sales@atlantic-me.com service@atlantic-me.com



Written Commenter #9

From: Tod Tally <ccntt@comcast.net>
Sent: Tuesday, June 05, 2018 8:46 PM
To: AppInfo, PC
Subject: Opposition To: Application # 1990-0868.029 NJDEP Division of Parks and Forestry

Greetings,

This e-mail is to publicly oppose the proposal of clear cutting the trees around the Bass River Fire Tower as a solution to the tall trees that are a beautiful and unique piece of nature.

While I understand and appreciate the logic behind the proposed plan, I know that there are much more intelligent ways to overcome the problem. I am a long time New Gretna resident who lives less than a mile from this area. I am likely to be found in these woods an average of 3 times a week. and this specific With the absolute peacefulness and beauty of this unique area, I am surprised the Department Of Environmental Protection does not propose a significantly better plan than what is presented here in Application # 1990-0868.02.

With the plethora of technology available today, it is well within reason that a high resolution PTZ camera with 2 axis stabilization can do a better job at protecting the citizens of the area from the threat of wildland fire.

What is the monetary cost of the proposed clear cutting plan?

What is the plan for the Tower for which the trees are being cut which is already beyond it's expected life span?

What kind of maintenance costs are anticipated to continue using this asset beyond its current expired state and for how long?

These are a few of the comments and questions I have regarding this application.

Please do not approve this.

Thank you,

Christine Tally
102 W Greenbush Rd
New Gretna NJ 08087

Written Commenter #10

From: EILEEN BROWER <cbeb1980@comcast.net>
Sent: Wednesday, June 06, 2018 10:42 AM
To: AppInfo, PC
Subject: Application No. 1990-0868.029

Dear Pinelands Commission,

6/6/18

I completely oppose clear cutting in The Bass River State Forest. The Forestry Service wants to remain in the past. It seems like they will make any excuse not to embrace technology. The use of cameras is being done all over the country. Not only is it safe, it is also cost effective. Before you make a decision, I urge you to go stand in the White Pines area they want to cut down. I guarantee you will experience a little piece of heaven. You surely wouldn't want to cut it down after visiting the area. PLEASE consider what the locals want.

Sincerely,

Eileen Brower - Bass River Township resident

63 W. Greenbush Rd.

Tuckerton, NJ 08087

Written Commenter #11

From: Robyn <rigelrose@yahoo.com>
Sent: Wednesday, June 06, 2018 4:03 PM
To: AppInfo, PC
Subject: Application #1990-0868.029

Robyn S. Firth
100 West Greenbush
Bass River Township
New Jersey.

I am sending this e-mail to be part of public comment on June 8, 2018. I am opposed to application #1990-0868.029, NJDEP, Div of Parks and Forestry.

I oppose the clear cutting of this historical and beautiful forest. The trails that run through these acres are used by many different interests as recreation. To list some; but not limited too; walking, hiking, bike riding, horse back riding, enjoying the beauty of these gorgeous tall mature trees. People come from all over to enjoy this forest. To cut them for a fire tower that is beyond its life expectancy, especially when there are other methods to be explored that can keep the public safe from and official aware of the outbreak of forest fires, would be a terrible loss.

I respectfully request the Pinelands Commission denies this application and the NJDEP, Div of Parks and Forestry explores alternative ways to detect wildfires, especially since these technologies exist.

Sincerely
Robyn S. Firth

Sent from my iPhone

Written Commenter #12

From: Robyn <rigelrose@yahoo.com>
Sent: Wednesday, June 06, 2018 4:07 PM
To: AppInfo, PC
Subject: Application #1990-0868.029

Jeffrey Firth
100 West Greenbush
Bass River Township
New Jersey.

I am sending this e-mail to be part of public comment on June 8, 2018. I am opposed to application #1990-0868.029, NJDEP, Div of Parks and Forestry.

I oppose the clear cutting of this historic and beautiful forest. The trails that run through these acres are used by many different interests as recreation. To list some; but not limited too; walking, hiking, bike riding, horse back riding, enjoying the beauty of these gorgeous tall mature trees. People come from all over to enjoy this forest. To cut them for a fire tower that is beyond its life expectancy, especially when there are other methods to be explored that can keep the public safe from and official aware of the outbreak of forest fires, would be a terrible loss.

I respectfully request the Pinelands Commission denies this application and the NJDEP, Div of Parks and Forestry explores alternative ways to detect wildfires, especially since these technologies exist.

Sincerely
Jeffrey Firth

Sent from my iPhone

Written Commenter #13

From: Basore, Sonny (AME) <sbasore@atlantic-me.com>
Sent: Wednesday, June 06, 2018 5:21 PM
To: AppInfo, PC
Subject: RE: Application # 1990-0860.029

I am opposed to the proposal to clear cut the trees around the almost 80 year old Bass River fire tower.

There are much more intelligent options available than to decimate 16 Acres of incredibly beautiful and unique woodland.

For those to say that a specialized camera could not be utilized effectively are either unfamiliar with the available technology or not open minded enough to understand what is possible. Think about ten years ago somebody telling you that you will have broadband speed internet on your mobile phone. This is not to say there could be some challenges with the implementation, but there are many more pros than cons.

Clear cutting the trees will do nothing to change the fact that this tower is beyond it's expected service life. There are many questions that need to be addressed before the approval would be granted to make a hasty decision that would still not save any money down the road with a tower that will either need costly upkeep or ultimately replacement.

It is important to be leaders of the future while protecting the past and this plantation of trees is a great testament to the heritage and history of the area. Once that is gone it is forever and I have complete confidence that remote video monitoring for wildland protection will be preferred method in the future.

I enjoy this area for recreation on a regular basis, to lose it would be a tragedy. I also understand the importance of wildland fire protection and feel a better solution can be created..

Please make a responsible solution and deny this application.

Thank you,

Written Commenter #14

From: lbi81@aol.com
Sent: Wednesday, June 06, 2018 5:57 PM
To: AppInfo, PC
Subject: Clear cutting of trees in Bass River State Forest

Application # 1990-0868.029

I am sending this email to be part of public comment on June 8th, 2018.
I am opposed to application #1990-0868.029, NJDEP, Div of Parks & Forestry.

I oppose the clear-cutting of this historic & beautiful forest. The trails that run through these acres are used by many different interests as recreation & many different forms of wildlife habitats. To cut them for a fire tower that is beyond its life expectancy, especially when there are other methods to be explored that can keep the public safe from and official aware of the outbreak of forest fires, would be a terrible loss.

I respectfully request the Pinelands Commission denies this application and the NJDEP, Div of Parks & Forestry explores alternative ways to detect wildfires, especially since these technologies exist.

Sincerely,
Leslie & Earl Brower

Written Commenter #15

From: Lange, Steve (AME) <slange@atlantic-me.com>
Sent: Thursday, June 07, 2018 8:13 AM
To: AppInfo, PC

I am opposed to the proposal to clear cut the trees around the almost 80 year old Bass River fire tower.

There are much more intelligent options available than to decimate 16 Acres of incredibly beautiful and unique woodland.

It is extremely disappointing that a forestry service would be so eager and willing to decimate any forest. These trees have survived a great many trials through their lifetime. To cut them down for such a reason is ignorant, sad, and a blatant disregard and disrespect for these wonderful trees. This sort of mentality is unacceptable. Destroying the small amount of wild forest that remains in this state (or country for that matter), should not even be a consideration.

I would refuse to accept that there is not another option that does not require removal of this area of forest.

I understand that protection of the forests from forest fires is the final goal here, but destroying a forest to protect it is just plain lunacy.

Thank you

Written Commenter #16

From: Blake, Lee-Ann (AME) <lblake@atlantic-me.com>
Sent: Thursday, June 07, 2018 8:30 AM
To: AppInfo, PC
Subject: Application # 1990-0860.29

Application # 1990-0860.029

I am opposed to the proposal to clear cut the trees around the almost 80 year old Bass River fire tower.

There are many more options available than to decimate 16 Acres of incredibly beautiful and unique woodland.

For those to say that a specialized camera could not be utilized effectively are either unfamiliar with the available technology or not open minded enough to understand what is possible. Think about ten years ago somebody telling you that you will have broadband speed internet on your mobile phone. This is not to say there could be some challenges with the implementation, but there are many more pros than cons.

Clear cutting the trees will do nothing to change the fact that this tower is beyond its expected service life. There are many questions that need to be addressed before the approval would be granted to make a hasty decision that would still not save any money down the road with a tower that will either need costly upkeep or ultimately replacement.

It is important to be leaders of the future while protecting the past and this plantation of trees is a great testament to the heritage and history of the area. Once that is gone it is forever and I have complete confidence that remote video monitoring for wild land protection will be preferred method in the future.

I enjoy this area for recreation on a regular basis, to lose it would be a tragedy. I also understand the importance of wild land fire protection and feel a better solution can be created..

Please make a responsible solution and deny this application.

Thank you,
Lee-Ann Blake

From: Wilson, Sean (AME) <swilson@atlantic-me.com>
Sent: Thursday, June 07, 2018 1:06 PM
To: AppInfo, PC
Subject: Application # 1990-0860.029

I am opposed to the proposal to clear cut the trees around the almost 80 year old Bass River fire tower.

There are much more intelligent options available than to decimate 16 Acres of incredibly beautiful and unique woodland.

For those to say that a specialized camera could not be utilized effectively are either unfamiliar with the available technology or not open minded enough to understand what is possible. Think about ten years ago somebody telling you that you will have broadband speed internet on your mobile phone. This is not to say there could be some challenges with the implementation, but there are many more pros than cons.

Clear cutting the trees will do nothing to change the fact that this tower is beyond it's expected service life. There are many questions that need to be addressed before the approval would be granted to make a hasty decision that would still not save any money down the road with a tower that will either need costly upkeep or ultimately replacement.

It is important to be leaders of the future while protecting the past and this plantation of trees is a great testament to the heritage and history of the area. Once that is gone it is forever and I have complete confidence that remote video monitoring for wildland protection will be preferred method in the future.

I enjoy this area for recreation on a regular basis, to lose it would be a tragedy. I also understand the importance of wildland fire protection and feel a better solution can be created..

Please make a responsible solution and deny this application.

Thank you,

Kind Regards,

Sean Wilson
Purchasing/Sales



Atlantic Marine Electronics
5738 Route 9
New Gretna, NJ 08224

Written Commenter #18

From: Clarke, Chad (AME) <cclarke@atlantic-me.com>
Sent: Thursday, June 07, 2018 1:51 PM
To: AppInfo, PC
Subject: Application # 1990-0860.029

To whom it may concern:

I am opposed to the proposal to clear cut the trees around the almost 80 year old Bass River fire tower.

There are much more intelligent options available than to decimate 16 Acres of incredibly beautiful and unique woodland.

For those to say that a specialized camera could not be utilized effectively are either unfamiliar with the available technology or not open minded enough to understand what is possible. Think about ten years ago somebody telling you that you will have broadband speed internet on your mobile phone. This is not to say there could be some challenges with the implementation, but there are many more pros than cons.

Clear cutting the trees will do nothing to change the fact that this tower is beyond it's expected service life. There are many questions that need to be addressed before the approval would be granted to make a hasty decision that would still not save any money down the road with a tower that will either need costly upkeep or ultimately replacement.

It is important to be leaders of the future while protecting the past and this plantation of trees is a great testament to the heritage and history of the area. Once that is gone it is forever and I have complete confidence that remote video monitoring for wildland protection will be preferred method in the future.

I enjoy this area for recreation on a regular basis, to lose it would be a tragedy. I also understand the importance of wildland fire protection and feel a better solution can be created..

Please make a responsible solution and deny this application.

Thank you,

Chad Clarke
Sales Manager
Atlantic Marine Electronics
5738 Route 9
New Gretna, NJ 08224
cclarke@atlantic-me.com
609-296-8826 office
609-389-3307 cell
609-296-8867 fax



Written Commenter #19

From: Samantha Ryan <samanthaannryan@gmail.com>
Sent: Thursday, June 07, 2018 2:59 PM
To: AppInfo, PC
Subject: Application Number: 1990-0868.029

To whom it may concern,

It has come to my attention that there is a request to clear cut the white pine forest in the Pine Barrens near the Bass River fire tower. Granting such an application would be a heartbreaking disaster.

The Pine Barrens near the Bass River fire tower is where I spent countless hours exploring as a child. Having grown up amid these beautiful trees, I know there is more to New Jersey than a strip mall and Jersey Shore stigma.

The wonders of such a vast forest should be protected, and clear cutting in no way achieves that goal. Instead it is taking the path of least resistance at the attempt to prevent forest fires. It is lazy. And it saddens me to learn it is being considered as a viable option. Make no mistake, I am aware that fire prevention is important (one of my childhood memories is of the disastrous fire ripped through that area along Route 539 leaving charred trees for years to come while new growth slowly emerged). I am also aware, I am no expert in fire prevention, however, there must be other methods or new technology to prevent the necessity of cutting down the white pines? These trees have stood for countless years.

As an avid hiker, I am keenly aware of the impact of such tactics as clear cutting and the potential it has to open doors to much more dangerous requests. The use of clear cutting around the Bass River fire tower would destroy hiking treasures such as the Cathedral found along the CCC trail. This wonderful portion of the forest is in the direct path of destruction. With clear cutting it will be reduced to nothing more than glaring display of destruction caused by humans who refuse to turn to other means. Too many trails have been ruined by such practices. It has turned once proud trails into nothing more than dirt paths along the roadway or backyard cut throughs. My heart aches at the possibility that New Jersey may allow that to happen to the Pine Barren.

Further, it is common to see buildings torn down after a few years simply because we no longer like the look of them. Yet we would rather destroy these majestic trees rather than replace a fire tower built in 1930? It seems a great waste. In part because I fear once they have been cut someone will suggest that now a new, bigger, and no more efficient tower should be built to take up that space. Or worse, someone will ask: why stop with clear cutting the white pines? Wouldn't a new housing development bring in more revenue? The sad truth is this is happening not only in New Jersey, but across the country. In Pennsylvania, where I currently reside, there is push to turn protected lands into housing developments using the powers eminent domain. Driving past cookie cutter houses where once proud forest stood breaks my heart. I would be devastated to learn the same has happened to the Pine Barren.

The decision regarding this proposal may probably be made before you read this. I hope that is not the case. I hope my voice can stand in for those of us who've moved away with fond memories of the white pines or the Pine Barrens in general. I hope my voice stands in for not just my request, but all our requests that you find another way to achieve your goals. For what a terrible tragedy it would be to lose the Pine Barrens for no other reason than we just didn't try hard enough to preserve it.

Thank you.

Samantha Ryan, Esquire

Written Commenter #20

From: D Worthington <dianneworthington@verizon.net>
Sent: Thursday, June 07, 2018 10:46 PM
To: AppInfo, PC
Subject: Comment on clear cut in BRSP for fire tower visibility

To whom it may concern: clear cutting this stand of very large, old pine trees in Bass River State Park to help with visibility would be a travesty! I am hoping an alternative solution can be figured out! This area is recreationally used often by hikers, bikers and horse back riders!

Sent from my iPhone

Written Commenter #21

From: Benjamin Brower <browbe01@gmail.com>
Sent: Friday, June 08, 2018 10:43 AM
To: AppInfo, PC
Subject: Application No. 1990-0868.029
Attachments: Final Map_BB11X17_1930.pdf; Final Map_BB11x17_2017.pdf

Dear Pinelands Commission,

My name is Benjamin Brower, and I am a resident of Bass River Township. Unfortunately, I am unable to attend today's public hearing in regards to Application No. 1990-0868.029, the clear cutting in Bass River State Forest. I want to express my disgust for the application and call for its immediate rejection. The reasoning behind this clear cutting proposal is short sighted, destroys beautiful white pine plantations, and destroys history.

I understand the importance of fire safety in the Pinelands, but to rely on a tower that was built in the 1930's, and had been scheduled to be replaced over 20 years ago is abhorrent. There are newer technologies that could make fire prevention a less expensive operation over the long term, or we finally put the funds necessary and build a higher tower if the true endeavor of this application is to save jobs of the fire service. These alternatives must be considered over destroying this forest.

I have attached below copies of maps below showing The CCC trail in Bass River State Forest and where the clear cutting would occur. This cutting would destroy a part of the trail called The Cathedral in the Woods. It is one of the greatest parts of Bass River State forest, and a place where many people go for hiking, and enjoying nature. This cutting would destroy this place so so many residents in the nearby area, and the countless visitors over the summer months.

While this forest is not native, its history is a unique one. The Civilian Conservation Corps planted the majority of this forest in the 1930's. They also built the fire tower. Young men who couldn't find work across the country joined the CCC and helped build the infrastructure of so many of our parks that their work to help create our natural world be accessible should not be wiped off the map, but preserved. Thank you for your time, and I hope you do not accept this application.

Sincerely,
Benjamin Brower

Written Commenter #22

From: Katie Jaeckel <kpjaeckel@gmail.com>
Sent: Friday, June 08, 2018 1:42 PM
To: AppInfo, PC
Subject: Application No. 1990-0868.029

I cannot attend the meeting tonight so I would like to express my opinion at least in an email. The areas they propose cutting would destroy white pine forest plantations and the most beautiful part of The CCC trail called The Cathedral in the Woods. This senseless destruction of one of the most beautiful trails in the Pine Barrens over an antiquated tower is appalling. Fire protection should not be limited to structures built in the 1930's. New technologies, or even pay for a higher and more up to date tower must be considered over clear cutting these majestic trees. If the state truly cares about this area, they should build a new fire tower.

Katie Jaeckel

Written Commenter #23

From: Lindsey Brower <llbrower@gmail.com>
Sent: Friday, June 08, 2018 1:54 PM
To: AppInfo, PC
Subject: Application No. 1990-0868.029

Dear Members of the Pinelands Commission,

Please do not clear cut the proposed areas of the Bass River State Forest. I grew up near these woods, and although I now live in Pennsylvania, I treasure the opportunities I have to come home to visit and experience these trails in their full splendor. Please explore other, more technically advanced fire prevention tactics than relying on a tower built in the 1930s. It would be devastating to lose these unique forests. Thank you for your consideration.

Lindsey Brower-Hagar
Childhood resident of Bass River Township

Written Commenter #24

From: Info, PC
Sent: Monday, June 11, 2018 8:34 AM
To: AppInfo, PC
Subject: FW: General Information Submissions or Questions

-----Original Message-----

From: Michael and Kristie Masucci [mailto:Masuch48@hotmail.com]
Sent: Friday, June 08, 2018 9:46 AM
To: Info, PC
Subject: General Information Submissions or Questions

Below is the result of your feedback form. It was submitted by Michael and Kristie Masucci (Masuch48@hotmail.com) on Friday, June 8, 2018 at 09:46:23

email: Masuch48@hotmail.com

subject: General Information Submissions or Questions

Name: Michael and Kristie Masucci

Mailing Address: 139 West Greenbush Rd Bass River, NJ 08224

Phone Number: 6095480971

Message: To Whom It May Concern,

I am writing to the members of the Pinelands Commission to express our strong opposition to the clear cutting of approximately 16-19 acres of woods around the Bass River Fire Tower. This clear cut directly affects the entire back line of my property. My wife and I and our three children moved to Bass River for the beauty and quietness of the surrounding woods. If the clear cut is approved we will go from looking at a beautiful back drop of woods to staring at a fence line surrounding the fire tower and maintenance yard.

Even more important than the view from our backyard is the possibility of HERBICIDES being used. The well that my families drinking water comes from is approximately 150-200 feet from the proposed clearing.

Thank you for your time and consideration. Respectfully Submitted, The Masucci Family

Submit: Submit

Written Commenter #25

From: Info, PC
Sent: Monday, June 11, 2018 8:34 AM
To: AppInfo, PC
Subject: FW: General Information Submissions or Questions

-----Original Message-----

From: Christopher Brower [mailto:cbeb1980@comcast.net]
Sent: Friday, June 08, 2018 11:08 AM
To: Info, PC
Subject: General Information Submissions or Questions

Below is the result of your feedback form. It was submitted by Christopher Brower (cbeb1980@comcast.net) on Friday, June 8, 2018 at 11:07:44

email: cbeb1980@comcast.net

subject: General Information Submissions or Questions

Name: Christopher Brower

Mailing Address: 63 West Greenbush Road, Tuckerton, 08087

Phone Number: 609-296-4416

Message: I am a resident of Bass River Township, down the street for the proposed Clear cut within the Bass River Park (Application #1990-0868.029). I am completely against this application. Although the White Pines are not a native species in the Pinelands, the forest has significant historical and aesthetic value to the community. The trails are beautiful which will be devastated by the clear cutting of the trees. I am proud to live in the Pinelands and wish to share the beauty with others, not destroy it for no reason. I realize the Forest Fire Service needs to have the ability to see the areas that are blocked by the trees, but there are numerous ways to achieve this without clear cutting.

Submit: Submit

Written Commenter #26

From: Info, PC
Sent: Monday, June 11, 2018 8:34 AM
To: AppInfo, PC
Subject: FW: Bass River Forest Fire Tower
Attachments: Bass River Fire Tower.pdf

From: Arthur Abline [<mailto:AAbline@manchestertwp.com>]
Sent: Friday, June 08, 2018 8:11 AM
To: Info, PC
Cc: bill@njfiresafetycouncil.org
Subject: Bass River Forest Fire Tower

To Whom It May Concern

Please read the attached regarding the Bas River State Forest Fire Tower.

Thank you for your time and attention in this matter

Arthur Abline, NJ CEM
Manchester Township
Emergency Management Coordinator
Safety / RTK Coordinator
1 Colonial Drive
Manchester, NJ 08759
732-657-2009 ext 4604
732-657-8657 Fax



MANCHESTER TOWNSHIP

1 COLONIAL DRIVE • MANCHESTER, NJ 08759 • (732)657-2009 x 4604

OFFICE OF EMERGENCY MANAGEMENT

ARTHUR ABLINE
EMERGENCY MANAGEMENT COORDINATOR

KENNETH T PALMER
MAYOR

June 7, 2018

Pinelands Commission
P.O. Box 359
New Lisbon, NJ 08064
info@pinelands.nj.gov

Re: Comments to the proposed Public
Development Application No. 1990-
0868.029

Tree removal to improve visibility from
Bass River State Forest fire tower

NJ Pinelands Commission,

Please note the comments below pertaining to the proposed *Development Application No. 1990-0868.029*, tree removal to improve visibility from Bass River State Forest fire tower.

The Manchester Township Fire Safety Council a statewide non-profit organization dedicated to reducing the risk of wildfire to NJ residents and increasing community resiliency, supports the harvesting of all trees needed to remove the obstruction from the Bass River State Park fire tower for the following reasons:

- The obvious health and safety advantages provided by an unobstructed fire observer seated in the Bass River State Park fire tower.
- The wildfire history of the region is tragic and includes 7 fatalities due to wildfire. Three line of duty deaths in the 1937 fire and four line of duty deaths in the 1977 fire.
- The White pines in question are non-native. The White pines planted by the CCC in the 1930's were all completed with the understanding that these trees would be harvested one day. In a terrible irony, the three 1937 line of duty deaths may have been to workers who had planted these very trees. Would they have ever condoned future efforts to increase someone else's risk of dying by wildfire?
- Early detection is the key to effective response and this is especially crucial in the Pinelands with a known fire history, increased fuel hazard and fire risk. The obstruction of the Bass River State Park fire tower by these White pines increases the detection time, fire risk to the residents and the NJ Forest Fire Service's response time.



MANCHESTER TOWNSHIP

1 COLONIAL DRIVE • MANCHESTER, NJ 08759 • (732)657-2009 x 4604
OFFICE OF EMERGENCY MANAGEMENT

ARTHUR ABLINE
EMERGENCY MANAGEMENT COORDINATOR

KENNETH T PALMER
MAYOR

- Fire towers in NJ serve other vital functions in addition to wildfire detection. During a wildfire incident, tower observers act as a communication hub between fire fighters on the ground and command. They help to coordinate resources and can relay crucial information to firefighters on the ground about fire behavior and wind shifts from observing the smoke columns. Failure to remove these trees will increase the risk to residents and reduce firefighter safety.

In summary the Manchester Township Safety Council fully supports the removal of the planted non-native white pine from obstructing the view of the Bass River State Park fire tower in any way.

Should you have any questions or require any additional information do not hesitate to contact me.

Sincerely,

Arthur Abline
Manchester Township
Fire Safety Council Chairman



New Jersey Fire Safety Council

5 Wildwood Way
Freehold, NJ 07728
P: 732.890.0725
E: Bill@wildfiresafetycouncil.org
WEB: njfiresafetycouncil.org

June 7, 2018

Board of Trustees

Bill Brash, *President*

John Cowie, *Trustee*

Maris Gabliks, *Trustee*

Pinelands Commission
P.O. Box 359
New Lisbon, NJ 08064

Re: Comments to the proposed Public Development
Application No. 1990-0868.029
Tree removal to improve visibility from Bass River State
Forest fire tower

NJ Pinelands Commission,

Please note the comments below pertaining to the proposed *Development Application No. 1990-0868.029*, tree removal to improve visibility from Bass River State Forest fire tower.

The New Jersey Fire Safety Council a statewide non-profit organization dedicated to reducing the risk of wildfire to NJ residents and increasing community resiliency, supports the harvesting of all trees needed to remove the obstruction from the Bass River State Park fire tower for the following reasons:

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In summary the NJ Fire Safety Council fully supports the removal of the planted non-native white pine from obstructing the view of the Bass River State Park fire tower in any way.

Should you have any questions or require any additional information do not hesitate to contact me.

Sincerely,

William F. Brash Jr.

William F. Brash Jr.
President

From: Info, PC
Sent: Monday, June 11, 2018 8:33 AM
To: AppInfo, PC
Subject: FW: Public Development Application #1990-0868.029

From: Robert B Reid [<mailto:rbreid@comcast.net>]
Sent: Thursday, June 07, 2018 9:55 PM
To: Info, PC
Subject: Public Development Application #1990-0868.029

To: Members of the NJ Pinelands Commission

Re: Public Development Application #1990-0868.029
Tree Removal – Bass River Fire Tower

The Horizons at Barnegat Firewise Committee, Barnegat, NJ, **strongly** supports the NJFFS request to remove the previously planted non-native white pine obstructing the view of Bass River State Park from the fire tower located there. The tower is the first line of defense for detection of approaching wildfires. The obstruction of the observers' view makes wildfire detection, especially in the early stages, difficult, if not impossible. Speed of detection is of utmost importance to save lives, the beautiful recreational facility itself, and neighboring communities and homes. In the event of a wildfire, the tower observers also offer a communication hub, coordinate resources and relay crucial information to firefighters on the ground. It is imperative that they have an unobstructed view of the forest to do this. The fact that the pines are not a native tree is another factor that supports their removal.

The Pinelands has a well-known fire history. It's not "if", but "when" a wildfire will occur. With an increased fuel risk, it is crucial that the pines obstructing the fire tower observer's view be eliminated as soon as possible.

Please support this application for the safety of firefighters and residents of this area.

Thank you for your anticipated support and approval of this application.

Sincerely,

Nancy S. Reid
Chair, Firewise Committee
Horizons at Barnegat Community

From: Amanda Somes <bassriverclerk@comcast.net>
Sent: Thursday, June 07, 2018 9:51 AM
To: AppInfo, PC; Montgomerie, Jean
Cc: dbuzz13@aol.com; lhb1022@comcast.net; nick.capriglione@comcast.net; 'JoAnne O'Connor'
Subject: Application No. 1990-0868.029
Attachments: Scan.pdf

Attached is a resolution adopted by the Bass River Township Board of Commissioners opposing the clear cutting of trees by NJDEP Division of Parks and Forestry. Please consider this resolution for the record as public comment for the June 8 Commissioner Meeting regarding this permit.

Thank you

Amanda Somes, RMC
Township Clerk
Bass River Township
P.O. Box 307
New Gretna, NJ 08224
609-296-3337
fax: 609-296-3458

BASS RIVER TOWNSHIP NEW JERSEY

RESOLUTION NO. 2018-36

**A RESOLUTION EXPRESSING OPPOSITION TO PROPOSED STATE ACTION
TO CLEARCUT TREES AT THE FIRE TOWER LOCATED ON EAST
GREENBUSH ROAD IN THE TOWNSHIP OF BASS RIVER**

WHEREAS, the Township of Bass River Board of Commissioners has been notified by the State of New Jersey Forest Fire Service (NJFFS) that the State has proposed to clear-cut more than nineteen (19) acres of trees located at and near the fire tower on East Greenbush Road (known as clear cutting); and

WHEREAS, NJFFS has also notified the Township that it will be applying a herbicide to this more than nineteen (19) acres giving the entire area an unsightly scorched earth appearance; and

WHEREAS, the Board of Commissioners finds that this State action could result in significant administrative and undue safety burdens on the Township; and

WHEREAS, the proposed clear cutting could pose a risk to residents of Bass River Township and property and will result in an unsightly general appearance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Bass River that the New Jersey Forest Fire Service is strongly urged to reject the proposed action to clear cut trees and application of an herbicide near the Fire tower located at East Greenbush Road, in the Township of Bass River.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Forest Fire Service for its records.

I certify that the foregoing Resolution was duly adopted at a regular meeting of the Board of Commissioners of the Township of Bass River held on the 2nd day of April, 2018.


AMANDA SOMES, RMC, CMR

Written Commenter #30

From: Jarrod Miller <atlanticofficer@yahoo.com>
Sent: Friday, June 08, 2018 9:15 AM
To: AppInfo, PC
Subject: 1990-0868.029

Please accept this email in reference to the above application. I, as do every resident of Bass River Township, strongly oppose the proposed clearing for the fire tower observation. I think it goes without saying that the pine barrens are a precious asset to the State. However, the particular pines that will be destroyed if this proposed clearing is granted are of greater significance. There is a historical aspect to these pines that cannot be overlooked. I challenge any interested party to simply take a walk through the effected area and see if it does not alter your point of view. These pine forests are one of the most beautiful places in the State. I, as do residents from throughout the State, often hike through these forests as a way to enjoy this wonderful place. It literally makes you feel as if you have gone back to prehistoric times!

The cutting of hundreds of year old trees to be able to see from a tower seems like something proposed in the 1920's. Technology is so advanced that there must be a simpler and better solution that will be less impactful to the environment. I have heard that other States use drones and/or mounted cameras to monitor for forest fires. This seems like it would definitely be a better alternative than destroying a forest. It would be more cost efficient too.

We must also remember that we are not the only species that are entitled to use and enjoy these woods. There are numerous species that rely upon this area for their survival such as white tail deer, wild turkey, pine barrens tree frogs and rattlers. I know based upon first hand knowledge, as my home is located a mere mile from where the fire tower is located.

Please consider this when you review the proposed application. When you really think about it, it seems barbaric in these times that the solution to this problem would be to clear cut a forest of this significance given the advancements in technology and our knowledge of the environmental impact that this can have. Once these trees are gone, they are gone!

Thank you for your consideration.

Jarrod Miller
13 E. Greenbush Rd.
New Gretna

From: Edward Hoffman <Just2beachbums@hotmail.com>
Sent: Friday, June 08, 2018 5:55 PM
To: AppInfo, PC
Subject: Application No. 1990-0868.029

I strongly oppose this application to clear cut these areas! The areas you propose cutting would destroy white pine forest plantations and the most beautiful part of The CCC trail called The Cathedral in the Woods. This senseless destruction of one of the most beautiful trails in the Pine Barrens over an antiquated tower is appalling. Fire protection should not be limited to structures built in the 1930's. New technologies, or even pay for a higher and more up to date tower must be considered over clear cutting these majestic trees.

Please reconsider!

Ann Marie Hoffman
609-425-3144 cell



(609) 296-7241
Fax (609) 296-5352
http://www.leht.com

LITTLE EGG HARBOR TOWNSHIP

665 RADIO ROAD, LITTLE EGG HARBOR, NJ 08087

Submitted
6/5/2018
mtg
Doc #1

April 24, 2018

New Jersey Department of Environmental Resources, Natural & Historic Resources

PO Box 420

Trenton, NJ 08625-0420

Attn: Acting Commissioner Catherine R. McCabe

Re: Bass River Fire Tower

APP # 19900868.029
Doc Type 100

JUN 8 2018

Scanned

COPY

Dear Commissioner McCabe:

About a year ago we wrote to express our support for the NJ State Forest Fire Service in an effort to remove some non native white pine trees that had been planted near the Bass River Fire Tower in the 1930's by the former U. S. Civilian Conversation Corps (CCC). Those trees had, at that point, grown to such a height that overshadowed that tower and greatly reduced its utility for its intended purpose, which is the early detection of pinelands fires to aid the prompt dispatch and response of emergency fire equipment to suppress these fires before they become overwhelming disasters as they will if undetected and unchecked. It is now our understanding that this issue still remains in doubt and we wanted, once again, to express our support for the Service in these regards.

These blazes, either intentional or accidental, have occurred in this area for hundreds of years and, once ignited, they are, in some cases, known to grown quickly to an enormous size that quickly devours the forest resource and then proceed to threaten the surrounding homes and businesses in many communities. On many occasions these fires have overwhelmed all fire fighting resources and a number of fire fighters have been lost, as well as a number of other persons trying in vain to flee these conflagrations. It seems, in fact, ironic that many CCC personnel were themselves lost in such incidents and that their later planting of these non-native trees was done to partially repair the damage from those fires. How sad it is that the product of their labor has now grown to such an extent to threaten the lives of present day forest firefighters, such as the four volunteers lost there in 1977. In that tragic case the fire was detected too late to be contained without extreme risk by those fire fighters. This remains an abiding memory and has remained a scar on the lives of many families here since.

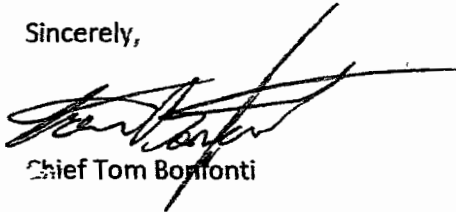
There was a recent event that we believe makes this case that perhaps anything else we could say. On April 22, 2018 a major forest wildfire broke out in Washington Township, Burlington County. At the point of its ignition it would have been about nine miles from the Bass River Tower. Although Bass River

was one of the closest towers, it was actually the last in the area to observe the blaze with towers as far away as Medford (at 17 miles, twice as far) being able to observe it first. We believe this delayed the response to this fire which, once again, grew to destroy some 843 acres of forest land and also would have consumed homes, but for the actions of the brave men and women of the NJ Forest Fire Service and local volunteers.

This tower has served, for decades, as a sentinel that protects our communities from the ever present dangers of wildfires here. We are always thusly at risk, simply because of the inherently volatile nature of local forests, as opposed to less risky conditions found elsewhere. National media outlets, such as Rolling Stone Magazine, have, in fact, noted this phenomenon and, we believe, correctly stated the incredible danger that Pinelands communities face in part due to inadequate mitigation activities. We have, in Little Egg Harbor, maximized our mitigation activities and will continue to do so. No amount of mitigation, however, can replace the benefit of early detection and efficient fire fighting when the inevitable occurs.

Make no mistake, we greatly appreciate the story of the CCC's and their abiding legacies in our forests. Their story has become an inexorable part of local lore and your interest in the preservation of those legends is laudable. We ask you to keep in mind, however, that this tower is an essential piece of the wildfire detection infrastructure that was designed and placed as such decades ago. It is our understanding that all alternatives have been explored and all have been found wanting. The Service, in addition, has pared the proposed cut down to the lowest possible area of impact. Sometimes, as we believe is this case here, it is necessary to eliminate a very small part of something great for the greater good. Because these forests are an integral part of our communities we believe that inadequate monitoring will present a clear and present danger to the businesses, homes and, ultimately, the people who work and live here. We ask you to approve the revised proposal of the NJ Forest Fire Service for these reasons immediately. Thank you, once again, for this opportunity to express our opinion in these regards.

Sincerely,



Chief Tom Bonfonti

Mystic Island Fire Company



Chief Anthony D'Andrea

West Tuckerton Fire Company

Chief Frank Runza



Parkertown Fire Company



Chief Rich Buzby, Director

Little Egg Harbor Township O.E.M.

Cc: Honorable Governor Phil Murphy

NJ 9th Legislative District

Little Egg Harbor Township Committee

NJ Forest Fire Service

Document B

From: Info, PC
Sent: Monday, June 11, 2018 8:34 AM
To: AppInfo, PC
Subject: FW: Public Comment Bass River Clear Cut Proposal
Attachments: Pinelands Commission.docx; Old Growth Forest.pdf

From: Karl Swanssen [mailto:karl.swanssen@comcast.net]
Sent: Friday, June 08, 2018 3:05 PM
To: Info, PC
Subject: Public Comment Bass River Clear Cut Proposal

Thank you for allowing me to comment this morning. Attached is information I hope will help you make a fully informed decision. Please confirm receipt of this prior to expiration of the public comment period.

Karl Swanssen

ATTACHMENT 1



At meeting



ATTACHMENT 2

ATTACHMENT 3

Verizon

2:58 PM

94%

Mailboxes Inbox Edit

howard@njsrec.com
SREC Statement Processed and Chec...

GATS Admin
PJM-EIS GATS - Acct#40352 - Karl...

Connors, Sen. D.O.
New Jersey Forest Fire Service is pl...

Webber, Jeremy
RE: Contact NJDEP E-Mail #01008...

Appinfo
Pinelands Application #1990-0868...

PayPal
Karl, your March account statement...

Webber, Jeremy
RE: Contact NJDEP E-Mail #01008...

Filtered by
Jmreed, Maged



Senator Christopher J. Connors
Assemblyman Brian E. Rumpf
Assemblywoman DIAnne C. Gove
Phone: (609) 941-4407 (732) 240-0266
Website: http://d9.district9.senate.nj.com
Email: senconnors@njleg.org

April 28, 2014

Mr. Karl Swansen
Karl.swansen@comcast.net

Dear Mr. Swansen:

This is to acknowledge receipt of your recent outreach to our 9th District Legislative Office. Please know that as we continue to share a unified legislative office, our Delegation strives to work cooperatively on behalf of the residents of Ocean, Burlington, and Atlantic counties.

In your letter, you express your tremendous concern that the New Jersey Forest Fire Service is planning to clear approximately 19 acres of prime and historic woodlands that surround a fire tower located on East Greenbush Road in Bass River Township. You describe up to 63 acres originally planned for clearing as historic plantations and a living monument. Your letter also serves as a reminder that these majestic trees were planted by the Civilian Conservation Corps (CCC), with acres of different tree species planted by the CCC in 1908, 1928, and 1934. Unfortunately, it appears that this project, in particular, is meant to clear the view for an aging fire tower constructed in 1939. Your letter provides possible alternatives to updating the fire tower and, therefore, eliminating the need for the clearing of the woodlands. We certainly understand your concern and frustration, as well as your thoughts concerning a possible resolution in this matter. While we are unable to be of direct assistance to you, rest assured we are going to try to help.

Mailboxes Inbox Edit


- **howard@njsrec.com** 10:19 AM
SREC Statement Processed and Check...
 - **GATS Admin** 10:18 AM
PJM-EIS GATS - Acct#40352 - Karl...
 - **Connors, Sen. D.O.** 4:25 PM
New Jersey Forest Fire Service is pl...
 - **Webber, Jeremy** 1:14 PM
RE: Contact NJDEP E-Mail #01008...
 - **Appinfo** 11:20 AM
Pinelands Application #1990-0868...
 - **PayPal** 11:12 AM
Karl, your March account statement...
 - **Webber, Jeremy** 11:11 AM
RE: Contact NJDEP E-Mail #01008...
- Filtered by
Unread, Flagged

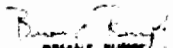
In your letter, you express your tremendous concern that the New Jersey Forest Fire Service is planning to clear approximately 19 acres of prime and historic woodlands that surround a fire tower located on East Greenbush Road in Bass River Township. You describe up to 63 acres originally planned for clearing as historic plantations and a living monument. Your letter also serves as a reminder that these majestic trees were planted by the Civilian Conservation Corps (CCC), with acres of different tree species planted by the CCC in 1908, 1928, and 1934. Unfortunately, it appears that this project, in particular, is meant to clear the view for an aging fire tower constructed in 1939. Your letter provides possible alternatives to updating the fire tower and, therefore, eliminating the need for the clearing of the woodlands. We certainly understand your concern and frustration, as well as your thoughts concerning a possible resolution in this matter. While we are unable to be of direct assistance to you, rest assured we are going to try to help.

By copy of this reply, we are forwarding a copy of your letter to the attention of New Jersey Department of Environmental Protection Acting Commissioner Catherine McCabe for review and consideration. We are also requesting that Acting Commissioner McCabe assign an appropriate member of her staff to contact you directly in order to consider your concerns and possible solutions. Therefore, we trust you will hear from a DEP representative very soon. In the meantime, if we receive any correspondence in our District Office associated with your casework, we will advise you at that time.

Thank you again for contacting the 9th District Legislative Office. If we can be of additional assistance to you in this, or in any other state-related matter, please do not hesitate to contact us again.

Sincerely,


CHRISTOPHER J. CONNORS
Senator - 9th District


BRIAN E. RUMPF
Assemblyman - 9th District


DIANNE C. GOVE
Assemblywoman - 9th District

Karl...
ATTACHMENT 4

Begin forwarded message:

From: Karl Swanssen <karl.swanssen@comcast.net>
Date: May 5, 2018 at 10:19:18 PM EDT
To: "Webber, Jeremy" <Jeremy.Webber@dep.nj.gov>
Cc: "Fratti, Cynthia" <Cynthia.Fratti@dep.nj.gov>, "Valentin, Maria" <Maria.Valentin@dep.nj.gov>, "Glass, Lisa" <Lisa.Glass@dep.nj.gov>, "Dill, Mary" <Mary.Dill@dep.nj.gov>, "McLaughlin, Gregory" <Gregory.McLaughlin@dep.nj.gov>, "Wyckoff, Todd" <Todd.Wyckoff@dep.nj.gov>, Bitzburger Carol <cbitzber@comcast.net>, commissioner@dep.nj.gov, Cope Deb <dbuzz13@aol.com>, Bourguignon Louie <lhb1022@comcast.net>, capriglione nick <nick.capriglione@comcast.net>, "Connors Sen. D. O." <senconnors@njleg.org>
Subject: Re: Contact NJDEP E-Mail #010089 - NHR (Bass River clear cut)

Jeremy,

This is the fourth request for answers to the questions submitted regarding the power point presentation advocating the clear cut in Bass River Township. I am hoping these questions are being fully vetted and that is the reason for delay. Please provide status and the answers that are available as of today.

Thank you,

Karl Swanseen

On Apr 26, 2018, at 2:54 PM, Karl Swanseen <karl.swanseen@comcast.net> wrote:

Jeremy,

I appreciate your reply, but there is no response to my questions. Would you or someone else please address these questions that are of primary importance to making any decision in this matter.

Karl Swanseen

On Apr 26, 2018, at 2:35 PM, Webber, Jeremy <Jeremy.Webber@dep.nj.gov> wrote:

Dear Mr. Swanseen,

Thank you for expressing your views on the New Jersey Department of Environmental Protection's proposed plans for the fire tower in Bass River State Forest. We certainly share your appreciation for trees, and we understand their importance to our environment and to our visitors' experience at Bass River State Forest. It is our responsibility to protect the lives and property of New Jerseyans residing near our state forests and to do all we can to ensure the safety of our forest firefighters. Please know that your comments will be fully considered as we move forward.

Jeremy Webber
Assistant Division Forest Firewarden
Trenton Headquarters

From: Karl Swanseen [<mailto:karl.swanseen@comcast.net>]
Sent: Thursday, April 19, 2018 9:33 AM
To: Webber, Jeremy <Jeremy.Webber@dep.nj.gov>
Cc: Fratti, Cynthia <Cynthia.Fratti@dep.nj.gov>; Valentin, Maria

<Maria.Valentin@dep.nj.gov>; Glass, Lisa
<Lisa.Glass@dep.nj.gov>; Dill, Mary <Mary.Dill@dep.nj.gov>;
McLaughlin, Gregory <Gregory.McLaughlin@dep.nj.gov>;
Wyckoff, Todd <Todd.Wyckoff@dep.nj.gov>; Bitzburger Carol
<cbitzber@comcast.net>; Amanda Somes
<bassriverclerk@comcast.net>
Subject: Re: Contact NJDEP E-Mail #010089 - NHR (Bass River
clear cut)

Jeremy,

I thought I should provide some additional feedback to the power point since you seem to be taking time to formulate a response. I have attached a letter outlining my concerns and added an additional question to my original email.

Thank you for your attention, if I should be directing my concerns to another person please advise.

Karl Swanseen
609-457-1378

On Apr 11, 2018, at 6:08 AM, Karl Swanseen
<karl.swanseen@comcast.net> wrote:

Thank you Jeremy,

After viewing the presentation, I had a couple questions I would appreciate your response to.

The original proposal calls for a clear cut of the entire plantations, 82 acres. Then it is reduced to 19 acres and you have 100% visibility. So then, is the plan to clear cut the rest when they grow taller?

The power point does not indicate the cost of the clear cut option, can you provide an estimate?

The option of using technology/cameras to monitor and report like they use in many other locations in the US is not presented. Has this been considered and why was it not included as an option.

It seems another option would be to relocate a much lower and less expensive tower to a less sensitive location. Has this been considered?

There has been some concern about the condition and remaining usefulness of the aging tower, what is it's condition and expected useful life?

Finally, what is the estimated long term cost to our local tourism industry from a clear cut at the gateway to our campground and recreational area. This proposal converts a beautiful forest gateway into an ugly mess.

We need to seriously consider all options.

Thank you for your attention,

Karl Swansen
609-457-1378

On Apr 9, 2018, at 2:45 PM, Webber, Jeremy
<Jeremy.Webber@dep.nj.gov> wrote:

Dear Mr. Swansen,

Below is the link you requested.

http://www.state.nj.us/dep/parksandforests/fire/docs/bassriver_01_22_2018_JAW.pdf

Thanks for your interest in this matter.

Jeremy A. Webber
Assistant Division Forest Firewarden
New Jersey Forest Fire Service –
Trenton

Karl...

submitted
at 6/8/2018
Atg



New Jersey Fire Safety Council

5 Wildwood Way
Freehold, NJ 07728
P: 732.890.0725
E: Bill@wildfiresafetycouncil.org
WEB: njfiresafetycouncil.org

June 7, 2018

Board of Trustees

Bill Brash, *President*

John Cowie, *Trustee*

Maris Gabliks, *Trustee*

Pinelands Commission
P.O. Box 359
New Lisbon, NJ 08064

Re: Comments to the proposed Public Development
Application No. 1990-0868.029
Tree removal to improve visibility from Bass River State
Forest fire tower

NJ Pinelands Commission,

Please note the comments below pertaining to the proposed *Development Application No. 1990-0868.029*, tree removal to improve visibility from Bass River State Forest fire tower.

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- The obvious health and safety advantages provided by an unobstructed fire observer seated in the Bass River State Park fire tower.
- The wildfire history of the region is tragic and includes 7 fatalities due to wildfire. Three line of duty deaths in the 1937 fire and four line of duty deaths in the 1977 fire.
- The White pines in question are non-native. The White pines planted by the CCC in the 1930's were all completed with the understanding that these trees would be harvested one day. In a terrible irony, the three 1937 line of duty deaths may have been workers who had planted these very trees. Would they have ever condoned future efforts to increase someone else's risk of dying by wildfire?
- Early detection is the key to effective response and this is especially crucial in the Pinelands with a known fire history, increased fuel hazard and fire risk. The obstruction of the Bass River State Park fire tower by these White pines increases the detection time, fire risk to the residents and the NJ Forest Fire Service's response time.
- Fire towers in NJ serve other vital functions in addition to wildfire detection. During a wildfire incident, tower observers act as a communication hub between fire fighters on the ground and command. They help to coordinate resources and can relay crucial information to firefighters on the ground about fire behavior and wind shifts from observing the smoke columns. Failure to remove these trees will increase the risk to residents and reduce firefighter safety.

In summary the NJ Fire Safety Council fully supports the removal of the planted non-native white pine from obstructing the view of the Bass River State Park fire tower in any way.

Should you have any questions or require any additional information do not hesitate to contact me.

Sincerely,

William F. Brash Jr.

William F. Brash Jr.
President

JUN 8 2018

ForestWatch®

Wildland Fire Detection and Monitoring System ✓

A key component in successfully preventing widespread destruction from wildland fires is early detection.

EnviroVision Solutions (EVS) offers the ForestWatch® wildland fire detection system which uses advanced video analytics and precision cameras to detect the first indications of smoke from a wildland fire.

Fire agencies, in years past, constructed fire lookout towers staffed by trained personnel who were relied upon to alert firefighters of new blazes. In the early 1900's, when the first towers were erected, communication was accomplished via carrier pigeon and Morse code using heliography; the Osborne Fire Finder was developed to plot the location of the fire.

Radios, cellphones, Global Positioning Systems, and computers have helped advance the art and science of fire detection and firefighting methods to a cost effective, highly efficient system, but the initial detection of a wildfire is still largely dependent on the human eye detecting signs of fire.

The ForestWatch® software leverages modern technologies to alert watchers to the potential presence of a fire, to precisely map the location, and provide images, with an accurate latitude and longitude, to dispatch centers and responders. Fire agencies can use this information to quickly and accurately determine the risk and confidently deploy an appropriate initial attack. EVS has installed this system on more than 250 Lookouts, cell towers, and other structures globally, and has over a decade of operational experience.

Camera Capabilities

EVS' cameras are installed singly or in pairs to monitor a full 360° panorama from a view point. In normal operation the camera is constantly scanning, under computer direction, continually on watch for signs of smoke. A detection operator, monitoring several cameras, can take manual control of any camera with a mouse click, zoom to target and utilize the high magnification lens and high resolution imagery to identify and validate the source of a suspected smoke. Near-infrared capabilities allow the cameras to see through smoke, to the flaming front of the fire, providing fire managers with real time situational awareness.



Computer Detection

The ForestWatch® software running at each camera location controls the camera, performs image stabilization, enhancement, and compression to reduce the communication bandwidth by 40:1 or more while delivering high quality images back to a central monitoring location.

The Detector component of the ForestWatch® software utilizes these high quality images and EVS' proprietary algorithms to provide early detection of smoke while discriminating between smoke and dust clouds, fog, flocks of birds, and other false positives. When an alert is generated by the ForestWatch® software it draws a bounding box on the image displayed on the operator workstation. The operator can inspect the area of interest using the powerful camera features and vision enhancements built into the system to investigate far more quickly and effectively than traditional methods would allow.

Once a potential fire has been verified the system can be used to alert responsible parties via email, SMS, or telephone, and the images may be viewed from any internet browser using the ForestWatch Online web presence.

Custom Map Display

As part of the ForestWatch® installation a Geographic Information System(GIS) component is loaded which includes topographic data allowing the cameras to be fully georeferenced. This means a fire's coordinates can be determined from a single camera without triangulation. Known facilities and activities which may cause false alarms can be identified and masked. The GIS map display can import standard ESRI shapefiles, allowing easy integration of locally relevant data. Names of specific landmarks and structures can be added to aid locational awareness and assist in guiding responders. As the operator moves the cursor across the image the Latitude and Longitude are continuously displayed. An operator can produce images of the fire and it's location and make them available to fire personnel outside the monitoring center. Burn permits, lightning data, weather station data, and automated vehicle location data may also be displayed on the camera images or on the GIS display.

Eyes in the Dark

Many wildfires start at night when detection is more difficult and the risk of resources being dispatched to a wrong location are higher due to darkness. The nighttime detection mode of ForestWatch® allows 24 hour detection, and the georeferenced imagery leaves no doubt about the

location of a fire. A daytime view of the area of interest can be overlaid on the night view to provide the operator with visual context. The ForestWatch® software can be trained to ignore the usual lights at night in an area which allows precise detection of brighter than normal or unusually located light sources, even in urban interface areas with numerous lights and roadways.

Image Access

Unlike staffed lookout towers, all EVS camera images can be viewed on any device anywhere with Internet access and a web browser, including smart phones and tablets. This gives fire managers and firefighters unparalleled access to near real-time images, providing fire intelligence and situational awareness.

ForestWatch® provides Fire Managers with the ability to monitor emerging and ongoing incidents, to maximize the effectiveness of available resources and to identify if there is a need to order additional resources. Increased situational awareness at the command center enhances firefighter safety. ForestWatch® systems allow a fire agency to more effectively utilize personnel and resources.

Forensics

The ForestWatch® system archives image and telemetry data from all cameras continually. This information can be used in fire investigations and in the prosecution of arsonists. The date and time stamped on each image provides solid evidence of what happened when. The system has also been effective in the prosecution of poaching, vandalism, timber theft, and has assisted in Search and Rescue operations. The continuous tracking of a fire's full lifecycle also helps with the After Action Review to help hone skills and evaluate the effectiveness of specific actions.

Cost Effectiveness

Utilizing the ForestWatch® system a single operator working from a secure central location can monitor many remote Protection Zones, surveying thousands of square miles with computer enhanced vision and awareness. A smoke event can be detected, located precisely, and evaluated by this operator within minutes of ignition. If an alarm is raised the dispatch center gets not only the location

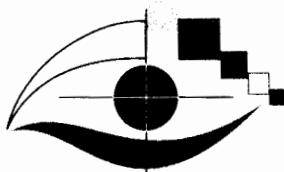
and description of the fire but that actual image that raised the alert, as well as historic images. They have the full GIS map display at their fingertips, and the ability to track the development of the fire visually minute by minute.

The cost of the ForestWatch software and infrastructure to support a remote camera system represents a small fraction of the cost that would be required to support a staffed lookout. The system can also augment currently staffed towers by offering after hours coverage, powerful camera optics, georeferencing, and a high speed digital communication channel available to the tower lookouts. Low power consumption and environmental hardening allow for remote, off-grid installations.



Field Tested

Douglas Forest Protective Association (DFPA) has been using the ForestWatch Wildfire Detection and Monitoring System across Southwestern Oregon since 2006. At their dispatch center in Roseburg, Oregon, operators at four workstations monitor 30 cameras overlooking thousands of square miles of commercial timber, public, and recreational lands. The system currently serves several agencies including the Oregon Department of Forestry, The Bureau of Land management, and the United States Forest Service. Other large deployments in Canada and California attest to the systems effectiveness.



EVS
EnviroVision Solutions

For more information on ForestWatch®
please contact us:
Phone: 541-236-7040
Email: Info@EVSolutions.biz

EnviroVision Solutions USA
1224 NE Walnut #144
Roseburg, Or. 97470
Or visit our website at:
<http://www.EVSolutions.biz>



LITTLE EGG HARBOR TOWNSHIP

665 RADIO ROAD, LITTLE EGG HARBOR, NJ 08087

(609) 296-7241
Fax (609) 296-5352
<http://www.leht.com>

April 24, 2018

New Jersey Department of Environmental Resources, Natural & Historic Resources

PO Box 420

Trenton, NJ 08625-0420

Attn: Acting Commissioner Catherine R. McCabe

Re: Bass River Fire Tower

Dear Commissioner McCabe:

About a year ago we wrote to express our support for the NJ State Forest Fire Service in an effort to remove some non native white pine trees that had been planted near the Bass River Fire Tower in the 1930's by the former U. S. Civilian Conservation Corps (CCC). Those trees had, at that point, grown to such a height that overshadowed that tower and greatly reduced its utility for its intended purpose, which is the early detection of pinelands fires to aid the prompt dispatch and response of emergency fire equipment to suppress these fires before they become overwhelming disasters as they will if undetected and unchecked. It is now our understanding that this issue still remains in doubt and we wanted, once again, to express our support for the Service in these regards.

These blazes, either intentional or accidental, have occurred in this area for hundreds of years and, once ignited, they are, in some cases, known to grown quickly to an enormous size that quickly devours the forest resource and then proceed to threaten the surrounding homes and businesses in many communities. On many occasions these fires have overwhelmed all fire fighting resources and a number of fire fighters have been lost, as well as a number of other persons trying in vain to flee these conflagrations. It seems, in fact, ironic that many CCC personnel were themselves lost in such incidents and that their later planting of these non-native trees was done to partially repair the damage from those fires. How sad it is that the product of their labor has now grown to such an extent to threaten the lives of present day forest firefighters, such as the four volunteers lost there in 1977. In that tragic case the fire was detected too late to be contained without extreme risk by those fire fighters. This remains an abiding memory and has remained a scar on the lives of many families here since.

There was a recent event that we believe makes this case that perhaps anything else we could say. On April 22, 2018 a major forest wildfire broke out in Washington Township, Burlington County. At the point of its ignition it would have been about nine miles from the Bass River Tower. Although Bass River

*Submitted
At Meeting
June 8, 2018*

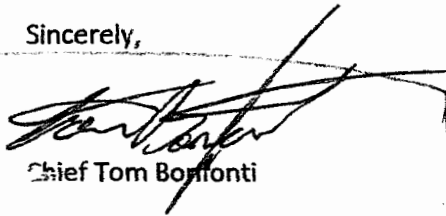
COPY

was one of the closest towers, it was actually the last in the area to observe the blaze with towers as far away as Medford (at 17 miles, twice as far) being able to observe it first. We believe this delayed the response to this fire which, once again, grew to destroy some 843 acres of forest land and also would have consumed homes, but for the actions of the brave men and women of the NJ Forest Fire Service and local volunteers.

This tower has served, for decades, as a sentinel that protects our communities from the ever present dangers of wildfires here. We are always thusly at risk, simply because of the inherently volatile nature of local forests, as opposed to less risky conditions found elsewhere. National media outlets, such as Rolling Stone Magazine, have, in fact, noted this phenomenon and, we believe, correctly stated the incredible danger that Pinelands communities face in part due to inadequate mitigation activities. We have, in Little Egg Harbor, maximized our mitigation activities and will continue to do so. No amount of mitigation, however, can replace the benefit of early detection and efficient fire fighting when the inevitable occurs.

Make no mistake, we greatly appreciate the story of the CCC's and their abiding legacies in our forests. Their story has become an inexorable part of local lore and your interest in the preservation of those legends is laudable. We ask you to keep in mind, however, that this tower is an essential piece of the wildfire detection infrastructure that was designed and placed as such decades ago. It is our understanding that all alternatives have been explored and all have been found wanting. The Service, in addition, has pared the proposed cut down to the lowest possible area of impact. Sometimes, as we believe is this case here, it is necessary to eliminate a very small part of something great for the greater good. Because these forests are an integral part of our communities we believe that inadequate monitoring will present a clear and present danger to the businesses, homes and, ultimately, the people who work and live here. We ask you to approve the revised proposal of the NJ Forest Fire Service for these reasons immediately. Thank you, once again, for this opportunity to express our opinion in these regards.

Sincerely,



Chief Tom Bonfonti

Mystic Island Fire Company



Chief Anthony D'Andrea

West Tuckerton Fire Company



Chief Frank Runza

Parkertown Fire Company

Chief Rich Buzby, Director

Little Egg Harbor Township O.E.M.

Cc: Honorable Governor Phil Murphy

NJ 9th Legislative District

Little Egg Harbor Township Committee

NJ Forest Fire Service

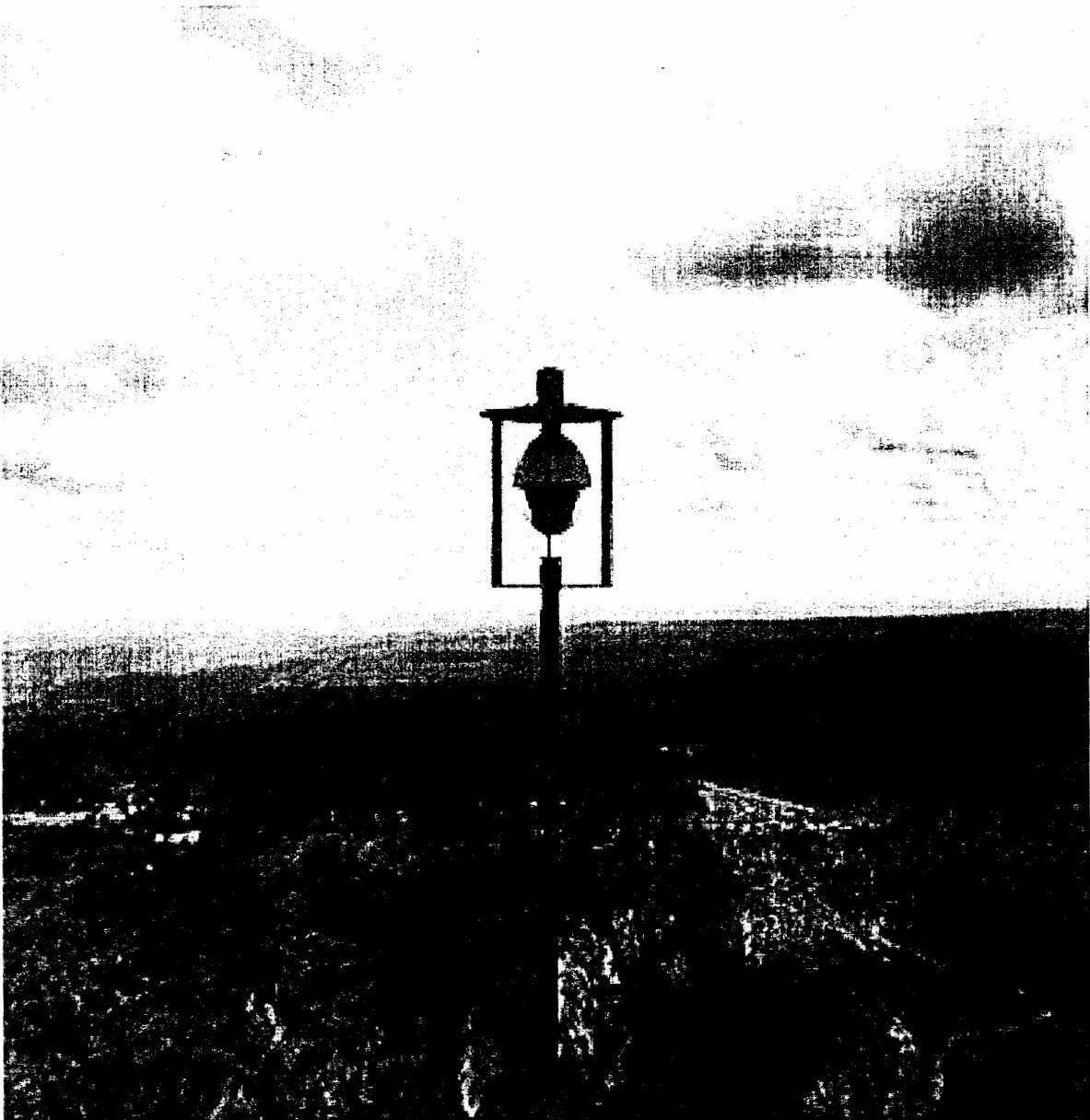
Submitted
at 6/8/2018
Mtg



EVS
EnviroVision Solutions



Forestwatch[®]



Vital early detection and rapid, informed decision-making is saving lives, property and resources when fires flare up.

The ForestWatch® Wildfire Detection and Monitoring System – developed by South Africa-based technology firm EnviroVision Solutions – is one of the most advanced wildfire detection systems in the world.

Combining high-definition imaging systems with purpose-built image processing software, ForestWatch uses mathematical and image processing algorithms to optically scan wide areas and detect the earliest telltale signs of smoke. This signature is used to alert an operation at a control center monitoring many imaging systems and thousands of square miles of property, and draw their attention to where a problem may be developing. The operator can use a range of tools including the powerful zoom lens capability of the camera, and image processing tools that make smoke vastly more visible than to the naked eye, to determine if the apparent smoke is actionable or not. If so, the smoke column can be located and referenced to available Geographic information to identify the appropriate responding agency, landowner, and other information, and resources dispatched accurately.

Significant reduction in time
between fire ignition,
discovery and dispatch:



Minutes matter when you're dealing with a fire. Automated detection systems alert vision system operators to an event from the outset and provide them with tools to monitor progression and coordinate a response at the click of a mouse.

Greatly increase situational
awareness while reducing
staff costs:



Nighttime detection for 24/7
protection:





Contact Info *DAVID FOLEY (541) 378-7179*

info@evsolutions.biz

1224 NE Walnut #144

Roseburg, Or 97470

(541) 236-7040 x203

Disclaimer

[Click here to see our Terms & Conditions.](#)

Submitted
at 6/2/18
MTG

Bass River State Forest Management Plan Objectives

MANAGEMENT POLICY:

Objectives:

- 1-To acquire an area of sufficient size to permit of efficient administration.
- 2-To replace present scrubby, inferior tree growth with thirty stands of the best species capable of producing the best and largest timber crops in the shortest time.
- 3-Eventually to produce a sustained annual yield of forest products for local consumption and to supply the local wood industries.
- 4-By the sale of forest products, the removal of which benefits the forest silviculturally, to raise as much State income as is possible, to the end that the forest may become self supporting and eventually show a net profit.
- 5-To increase and develop the recreational use of the forest by the public.
- 6-To discover a system of silvicultural management, which, supplemented by a reasonably efficient fire protection organization, will result in adequate protection at a justifiable cost.
- 7-In all lines of work to conduct studies and investigations to determine the best methods to use, costs, and results, and to demonstrate them to the public as a guide for the practice of private forestry.

Silvicultural policy demands cutting and reforestation of all random timber areas as rapidly as possible and the accomplishment of sustained yield. This policy necessitates the cutting and sale of all inferior stands and silviculturally mature timber as rapidly as possible and then reforesting by planting where natural reproduction can not be depended upon. On most of the area this work will have to be done without the realization of income. It is thought that most of the area will require planting.

From:
A Forest Management Plan for
the Bass River State Forest New
Bretton, NJ. Willis M. Baker,
1927."



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1985-0160.011, 1985-1053.008 & 1989-0781.005)

Commissioner _____ **moves and Commissioner** _____
seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Reports and the recommendation of the Executive Director that the following applications for Public Development be approved with conditions:

1985-0160.011

Applicant:	NJ Department of Environmental Protection
Municipality:	Washington Township
Management Area:	Pinelands Preservation Area District
Date of Report:	July 19, 2018
Proposed Development:	Demolition of the Grist Mill Lean-To, 50 years old or older, at Batsto Village;

1985-1053.008

Applicant:	NJ Army National Guard
Municipality:	Springfield Township
	Borough of Wrightstown
Management Area:	Pinelands Military/Federal Installation Area
Date of Report:	July 19, 2018
Proposed Development:	Installation of a 17,856 square foot elevated solar panel canopy above an existing stone parking area; and

1989-0781.005

Applicant:	Medford Township
Municipality:	Medford Township
Management Area:	Pinelands Preservation Area District
	Pinelands Special Agricultural Production Area
Date of Report:	July 19, 2018
Proposed Development:	Reconstruction of Carol Ida Dam.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for any of these applications; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for each of the proposed developments; and

WHEREAS, the Pinelands Commission hereby determines that each of the proposed public developments conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1985-0160.011, 1985-1053.008 & 1989-0781.005 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun				Howell				Prickett			
Avery				Jannarone				Quinn			
Barr				Lloyd				Rohan Green			
Chila				Lohbauer				Earlen			
Galletta				Pikolycky							

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

General Information: Info@pinelands.nj.gov

Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN

Chairman

NANCY WITTENBERG

Executive Director

July 19, 2018

William White (via email)
NJ Department of Environmental Protection
31 Batsto Road
Hammonton, NJ 08037

Re: Application # 1985-0160.011
Block 8, Lot 1
Washington Township

Dear Mr. White:

The Commission staff has completed its review of this application for demolition of the Grist Mill Lean-To, 50 years old or older, at Batsto Village. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 10, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely

[Handwritten signature of Charles M. Horner]

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Washington Township Planning Board (via email)
Washington Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)





State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

July 19, 2018

William White (via email)
NJ Department of Environmental Protection
31 Batsto Road
Hammonton, NJ 08037

Application No.: 1985-0160.011
Block 8, Lot 1
Washington Township

This application proposes demolition of the Grist Mill Lean-To, 50 years old or older, at Batsto Village located on the above referenced 1962.4 acre parcel in Washington Township.

The lean-to occupies 460 square feet and is an open sided roof structure supported by approximately six posts and attached to an existing building.

STANDARDS

The Commission staff has reviewed the proposed demolition for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.22)

The parcel is located in the Pinelands Preservation Area District. An application to the Commission is required for the demolition of any structure 50 years old or older. The CMP permits the demolition of structures anywhere in the Pinelands Area.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

The proposed demolition was reviewed by both the Commission staff cultural resource planner and the New Jersey Historic Preservation Office (NJHPO).

The Grist Mill Lean-To is located in the Batsto Historic Village. The Batsto Historic Village is listed on both the State and National Registers of Historic Places.

The lean-to is attached to a building known as the Grist Mill. The Grist Mill was built in 1825 and used to process grain into flour for Village residents. The lean-to was subjected to significant structural repair and maintenance modifications in the 1960's and the 1980's and does not retain its original historic integrity. Based upon these repair and maintenance modifications, the lean-to does not constitute a significant historic resource.

A cultural resource survey was not required for the proposed demolition because it does not retain its original historic integrity. The lean-to was previously documented in accordance with the Secretary of the Interior's Standards and Guidelines for Archeological and Engineering Documentation and extensively photo-documented by a consultant retained by Batsto Village at the request of NJHPO.

As part of the demolition plan, the applicant proposes to identify any surviving 19th century material that may remain on the lean-to, such as nails and hardware, and store that material in the event of future reconstruction.

PUBLIC COMMENT

The CMP defines the proposed demolition as "minor" development. The CMP does not require notice for minor public development applications. The application was designated as complete on the Commission's website on June 27, 2018. The Commission's public comment period closed on July 13, 2018. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Disposal of any demolition debris may only occur at an appropriately licensed facility.
2. Prior to any demolition, the applicant shall obtain any other necessary permits and approvals.
3. Prior to any demolition, the applicant shall identify and preserve all surviving 19th century material on the lean-to.
4. Any proposed reconstruction of the lean-to shall require the completion of an application with the Commission.

CONCLUSION

As the proposed demolition conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed demolition subject to the above conditions.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

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PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission's offices no later than 4:00 PM on August 6, 2018 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



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Governor

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Lt. Governor

General Information: Info@pinelands.nj.gov

Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN

Chairman

NANCY WITTENBERG

Executive Director

July 19, 2018

Michael Lyons, Col., LG (via email)
NJ Army National Guard
NJARNG 101 Eggerts Crossing Road
Lawrenceville, NJ 08648

Re: Application # 1985-1053.008
Block 1802, Lot 1
Springfield Township
Block 201, Lot 1
Borough of Wrightstown

Dear Mr. Lyons:

The Commission staff has completed its review of this application for installation of a 17,856 square foot elevated solar panel canopy above an existing stone parking area. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 10, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Springfield Township Planning Board (via email)
Springfield Township Construction Code Official (via email)
Secretary, Borough of Wrightstown Planning Board (via email)



* 1 9 8 5 1 0 5 3 . 0 0 8 *

Borough of Wrightstown Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
Harry Strano (via email)



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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

July 19, 2018

Michael Lyons, Col., LG (via email)
NJ Army National Guard
NJARNG 101 Eggerts Crossing Road
Lawrenceville, NJ 08648

Application No.: 1985-1053.008
Block 1802, Lot 1
Springfield Township
Block 201, Lot 1
Borough of Wrightstown

This application proposes installation of a 17,856 square foot elevated solar panel canopy above an existing stone parking area at Joint Base McGuire Dix Lakehurst located on the above referenced 66.14 acre parcel in Springfield Township and the Borough of Wrightstown.

The proposed solar energy facility will provide power to an existing New Jersey Army National Guard building located on the parcel.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.29)

The Pinelands Protection Act designates the boundaries of the 938,000 acre Pinelands Area. Within the boundaries of the Pinelands Area, the Pinelands Protection Act also designates the 366,000 acre Pinelands Preservation Area and the 572,000 acre Pinelands Protection Area. The CMP then establishes Management Areas such as Regional Growth Management Areas, Rural Development Management Areas and Military and Federal Installation Management Areas that overlay the entire Pinelands Area.

The parcel subject of this application is located in a Military and Federal Installation Management Area. The CMP permits any proposed use associated with the function of a federal installation in a Military and Federal Installation Management Area provided four conditions are met. The first condition is that, where feasible, proposed development in a Military and Federal Installation Management Area shall be located in the Pinelands Protection Area portion of the Pinelands Area. The proposed solar energy

facility will be located in the Pinelands Protection Area portion of the Pinelands Area. The second condition is the use shall not require any development, including public service infrastructure, in the Preservation Area District or in a Forest Management Area. The proposed solar energy facility use will not require any development in a Forest Management Area or the Preservation Area District. The third condition is not applicable to the proposed solar energy facility. The fourth condition is that any proposed development by the Federal government must substantially meet the standards of the CMP. The solar energy facility is proposed by the New Jersey Army National Guard, a State agency, and meets all standards of the CMP.

Wetlands Standards (N.J.A.C. 7:50-6.14)

There are wetlands located on the parcel. The proposed solar energy facility will be located approximately 290 feet from wetlands and no closer to wetlands than an existing stone parking area. The proposed development will not result in a significant adverse impact on the wetlands.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located above an existing stone parking area. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. As the proposed development will be located above an existing stone parking area, no revegetation is proposed.

Stormwater Management Standards (N.J.A.C. 7:50-6.84(a)6)

The State of New Jersey enacted legislation in 2010 to prohibit the Pinelands Commission from including the actual solar panels as impervious surface or impervious cover in any stormwater management calculation in the Pinelands Area. The solar panel mounting posts and associated development will disturb less than 5,000 square feet. Based upon this limited disturbance, the application is not required to address the CMP stormwater management standards.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on June 20, 2018. The application was designated as complete on the Commission's website on June 26, 2018. The Commission's public comment period closed on July 13, 2018. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of four sheets, prepared by ARMM Associates, Inc., all sheets dated July 24, 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and

approvals.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 4:00 PM on August 6, 2018 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



State of New Jersey

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinelands.nj.gov
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SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

July 19, 2018

Kathy Burger, Clerk (via email)
Medford Township
17 North Main Street
Medford, NJ 08055

Re: Application # 1989-0781.005
Jackson Road
Block 6802, Lot 1
Medford Township

Dear Ms. Burger:

The Commission staff has completed its review of this application for reconstruction of Carol Ida Dam. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 10, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure

- c: Secretary, Medford Township Planning Board (via email)
- Medford Township Construction Code Official (via email)
- Medford Township Environmental Commission (via email)
- Secretary, Burlington County Planning Board (via email)
- Chris Noll, PE, PP, CME (via email)





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SEAN W. EARLEN

Chairman

NANCY WITTENBERG

Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

July 19, 2018

Kathy Burger, Clerk (via email)
Medford Township
17 North Main Street
Medford, NJ 08055

Application No.: 1989-0781.005
Jackson Road
Block 6802, Lot 1
Medford Township

This application proposes reconstruction of Carol Ida Dam located within the above referenced right-of-way in Medford Township. The Jackson Road right-of-way, containing an existing sand road, crosses the crest of the dam embankment. The proposed improvements to the dam within the Jackson Road right-of-way include the replacement of the existing weir, construction of a 25 square foot concrete pad, regrading of the dam embankment and the placement of rip-rap on both sides of the dam.

An existing pipe passes under the dam and discharges water from Lady Lake onto Block 6802, Lot 1. This water discharge has created soil erosion on Block 6802, Lot 1. To address this existing soil erosion, the application also proposes to place approximately 180 square feet of rip-rap on Block 6802, Lot 1.

The Pinelands Development Credits (PDCs) allocated to Block 6802, Lot 1 have been severed and a PDC deed restriction has been imposed on the lot limiting the future use of the lot to agriculture, forestry, and low intensity recreational uses. The proposed rip-rap on Block 6802, Lot 1 is addressing a pre-existing soil erosion condition on the lot.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.22 & 5.25)

The proposed development will be located partially in the Preservation Area District and partially in a Special Agricultural Production Area. The CMP permits the reconstruction of existing structures in the Pinelands Area.

Wetlands Standards (N.J.A.C. 7:50-6.13)

There are wetlands located within the project area. The CMP prohibits most development in wetlands and requires a buffer of up to 300 feet to wetlands.

The dam reconstruction will be located partially in wetlands and the required buffer to wetlands. The proposed development will result in the disturbance of approximately 0.019 acres of wetlands. The CMP permits linear improvements, such as dams supporting road crossings, in wetlands and the required buffer to wetlands provided an applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative for the proposed development that does not involve development in wetlands and the required buffer to wetlands or that will result in a less significant adverse impact to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions recommended below, all practical measures will be taken to mitigate the impact on wetlands and the required buffer to wetlands. The applicant has demonstrated that based upon the need to maintain the use of Jackson Road for vehicular traffic, the need for the proposed development overrides the importance of protecting the concerned wetlands.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within open water, developed areas, and vegetated areas. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to utilize a seed mixture which meets that recommendation.

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on June 26, 2018. The Commission’s public comment period closed on July 13, 2018. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan prepared by Environmental Resolutions, Inc. and dated April 4, 2018.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

5. Prior to the construction of any portion of the proposed development which will result in the disturbance of any wetland area, a Freshwater Wetland Permit shall be obtained pursuant to the New Jersey Freshwater Wetlands Protection Act.
6. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

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PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 4:00 PM on August 6, 2018 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: **Approving** With Conditions Applications for **Waivers of Strict Compliance** (Application Numbers 2003-0456.001 & 2004-0352.001)

Commissioner _____ **moves and Commissioner** _____
seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed each of the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following applications for Waivers of Strict Compliance be approved with conditions:

2003-0456.001

Applicant:	Kenny Austin
Municipality:	Lacey Township
Management Area:	Pinelands Village
Date of Report:	July 20, 2018
Proposed Development:	Single family dwelling; and

2004-0352.001

Applicant:	Lisa Gassert
Municipality:	Evesham Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	July 20, 2018
Proposed Development:	Single family dwelling.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for any of these applications; and

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for each of the proposed developments; and

WHEREAS, the Pinelands Commission hereby determines that the requested Waivers conform to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Numbers 2003-0456.001 & 2004-0352.001 for Waivers of Strict Compliance are hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun					Howell					Prickett				
Avery					Jannarone					Quinn				
Barr					Lloyd					Rohan Green				
Chila					Lohbauer					Earlen				
Galletta					Pikolycky									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



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PHILIP D. MURPHY
 Governor
 SHEILA Y. OLIVER
 Lt. Governor

General Information: Info@pinelands.nj.gov
 Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

July 20, 2018

Kenny Austin
 2514 Hurry Road
 Bamber Lake, NJ 08731

Re: Application # 2003-0456.001
 Block 4108, Lot 5
 Lacey Township

Dear Mr. Austin:

The Commission staff has completed its review of the above referenced application for a Waiver of Strict Compliance (“Waiver”) proposing the development of a single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission’s Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 10, 2018 meeting.

FINDINGS OF FACT

This application is for the development of a single family dwelling served by an alternate design onsite septic system on the above referenced 0.46 acre parcel in Lacey Township. The parcel is located in a Pinelands Village Management Area and in Lacey Township’s Village Residential (VR) zoning district. In this zoning district, Lacey Township’s certified land use ordinance establishes a minimum lot size of 1.0 acre to develop a single family dwelling that is served by an alternate design onsite septic system.

As no Commission accepted alternate design onsite septic system will meet the two parts per million average nitrogen concentration in the groundwater at the property line of the 0.46 acre parcel, the applicant is requesting a Waiver from the groundwater quality standard contained in the CMP (N.J.A.C. 7:50-6.84(a)5iv).

The parcel has been site inspected by a member of the Commission's staff. Additionally, the appropriate resource capability maps and data available to the staff have been reviewed.

On January 4, 2016, the Lacey Township Zoning Board of Adjustment adopted a Resolution for Appeal # 15-16 approving a residential lot size variance to develop a dwelling on the parcel.



The parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the entire contiguous parcel. A single family dwelling can be developed on the parcel without violating any of the criteria contained in N.J.A.C. 7:50-4.65(b).

Only if the parcel is developed in accordance with the conditions recommended below will the adverse impacts on groundwater quality be minimized.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Public notice to all property owners within 200 feet of the parcel was completed on March 30, 2018. Newspaper public notice was completed on April 11, 2018. The application was designated as complete on the Commission's website on May 22, 2018. The Commission's public comment period closed on July 13, 2018. No public comment was received by the Commission regarding this application.

CONCLUSION

The CMP (N.J.A.C. 7:50-4.62) sets forth the standards which must be met before a Waiver can be approved. The CMP (N.J.A.C. 7:50-4.62(a)) requires that for a Waiver application to be approved based on extraordinary hardship, the applicant must demonstrate that the conditions of either N.J.A.C. 7:50-4.63(a) or (b) have been met.

N.J.A.C. 7:50-4.63(a) sets forth five conditions which must be met for an applicant to qualify for an extraordinary hardship pursuant to that subsection.

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C.7:50-6 for certain specified development. One of the specified types of development is a single family dwelling on a parcel within a Regional Growth Area, Pinelands Town or Pinelands Village which is at least 20,000 square feet, excluding road rights-of-way, in size and is not served by a centralized waste water treatment system. This application is for a Waiver from the groundwater quality standards contained in N.J.A.C. 7:50-6. The applicant is proposing to develop a single family dwelling served by an alternate design onsite wastewater treatment system on a 0.46 acre (20,038 square foot) parcel. The parcel contains more than 20,000 square feet, excluding road rights-of-way and is located in a Pinelands Village Management Area. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1v.

The second condition is that the parcel includes all contiguous land in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. Since the parcel includes all such contiguous land, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)2.

The third condition is that the proposed use will be the sole principal use on the entire contiguous parcel, except as expressly provided in N.J.A.C. 7:50-5.1(c). As the proposed single family dwelling will be the sole principal use on the parcel, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)3.

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinance have been certified by the Pinelands Commission. Lacey Township's master plan and land use ordinance have been certified

by the Pinelands Commission. On January 4, 2016, the Lacey Township Zoning Board of Adjustment adopted a Resolution for Appeal # 15-16 approving a residential lot size variance to develop a dwelling on the parcel. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

The fifth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which permits a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not result in a substantial impairment of the resources of the Pinelands Area. N.J.A.C. 7:50-4.65(b) sets forth the circumstances which do not comply with N.J.A.C. 7:50-4.65(a). With the conditions recommended below, the proposed development will not violate any of the circumstances contained in N.J.A.C. 7:50-4.65(b). As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)5.

Since the applicant meets all five conditions set forth in N.J.A.C. 7:50-4.63(a), the applicant has demonstrated that an extraordinary hardship exists pursuant to N.J.A.C. 7:50-4.62(a).

As required by N.J.A.C. 7:50-4.62(b), the proposed dwelling will not result in substantial impairment of the resources of the Pinelands or be inconsistent with the provisions of the Pinelands Protection Act, the Federal Act or the CMP in accordance with the criteria set forth in N.J.A.C. 7:50-4.65.

As required by N.J.A.C. 7:50-4.62(c) and with the conditions recommended below, the proposed dwelling will not involve trespass or create a public or private nuisance by being materially detrimental or injurious to other property or improvements in the area in which the parcel is located, increase the danger of fire or endanger public safety.

The CMP (N.J.A.C. 7:50-4.62(d)) requires that the Waiver only grant the minimum relief necessary to relieve the extraordinary hardship. The proposed single family dwelling is the minimum relief necessary to relieve the extraordinary hardship which has been shown to exist.

The CMP (N.J.A.C. 7:50-4.62(d)1iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits (PDCs) whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the applicant is obtaining a Waiver from the groundwater quality standard (N.J.A.C. 7:50-6.84(a)5iv.) a condition is included to require the applicant to purchase the requisite 0.25 PDCs.

The CMP (N.J.A.C. 7:50-4.62(d)1ii)) also requires the acquisition and redemption of any PDCS that are otherwise required pursuant to N.J.A.C. 7:50-5.27, 5.28 or 5.32. The CMP (N.J.A.C. 7:50-5.27(c)) provides that any local approval in a Pinelands Village, including variances, which grants relief from density or lot area requirements shall require that PDCs be used for all dwelling units or lots in excess of that otherwise permitted, unless a Waiver for the dwelling unit or lot has been approved by the Commission. As indicated above, the applicant previously received a municipal variance granting relief from the lot area requirement for the proposed dwelling. However, since the applicant qualifies for a Waiver, no PDCs are required for the municipal lot area variance.

To meet the requirements of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65, the Pinelands Commission staff has determined that the parcel must be developed in accordance with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan prepared by Accutech Engineering, dated March 7, 2015 and last revised July 18, 2016.
2. The septic system must be located in an area where the seasonal high water table is at least five feet below the natural ground surface.
3. The proposed dwelling must utilize an alternate design wastewater system authorized pursuant to the CMP on a 1.0 acre lot and approved for use by the Pinelands Commission and the New Jersey Department of Environmental Protection.
4. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.
5. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 PDCs have been acquired and submitted to the PDC Bank for redemption.
6. This Waiver shall expire August 10, 2023 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after August 10, 2023 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
7. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, a copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission. The deed shall specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance referring to the application number. The deed shall also state that the conditions are enforceable by the Pinelands Commission, Lacey Township and any other party of interest.

APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission offices no later than 4:00 PM on August 7, 2018 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received, the Pinelands Commission may either approve the determination of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.



Recommended for Approval by: _____

Charles M. Horner, P.P., Director of Regulatory Programs

- c: Secretary, Lacey Township Planning Board (via email)
- Lacey Township Construction Code Official (via email)
- Lacey Township Environmental Commission (via email)
- Secretary, Ocean County Planning Board (via email)
- Ocean County Health Department (via email)



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SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

July 20, 2018

Lisa Gassert (via email)
1720 Old Marlton Pike E
Marlton, NJ 08053

Re: Application # 2004-0352.001
Block 114, Lot 1.01
Evesham Township

Dear Ms. Gassert:

The Commission staff has completed its review of the above referenced application for a Waiver of Strict Compliance (“Waiver”) proposing the development of a single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission’s Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 10, 2018 meeting.

FINDINGS OF FACT

This application is for the development of a single family dwelling serviced by public sanitary sewer on the above referenced 5.2 acre parcel in Evesham Township. The parcel is located within a Pinelands Regional Growth Area and in Evesham Township’s Regional Growth 1 (RG-1) zoning district. In this zoning district, Evesham Township’s certified land use ordinances require a residential density of one dwelling unit per 17,424 square feet for a single family dwelling serviced by public sanitary sewer.

On October 9, 2009, the Pinelands Commission approved a Waiver for the development of a single family dwelling serviced by public sanitary sewer on the parcel. An application for development of the proposed dwelling was subsequently completed with the Commission and a Certificate of Filing was issued on August 26, 2011. The Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.70(c)) specifies that a Waiver expires five years after the date of Commission approval unless all necessary construction permits have been issued within the five year period, the authorized work is commenced within 12 months after issuance of the construction permits and no such permit becomes invalid after the five year period.

No information has been provided to the Commission staff demonstrating that a construction permit was issued by October 9, 2014 or, if any such construction permit was issued, that the permit remains valid.



By letter dated April 29, 2018, a new owner of the parcel contacted the Commission regarding the prior Waiver. By letter dated May 7, 2018, the Commission staff notified the new owner of the parcel that the Waiver approved by the Commission on October 9, 2009 expired on October 9, 2014. On June 1, 2018, the current application for a new Waiver was completed with the Commission.

The parcel has been site inspected by a member of the Commission's staff. Additionally, the appropriate resource capability maps and data available to the staff have been reviewed.

A portion of the parcel is wetlands as defined in N.J.A.C. 7:50-6.5(a)2. The wetlands continue onto adjacent lands. Any development of the parcel would be located within 300 feet of these wetlands. The applicant has submitted no information to demonstrate that the proposed development will not cause a significant adverse impact on the wetlands. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetlands. As there will be a significant adverse impact on wetlands located within 300 feet of the proposed development, the applicant is requesting a Waiver from the buffer to wetlands standard contained in the CMP (N.J.A.C. 7:50-6.14).

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the entire contiguous parcel. The development of a single family dwelling on the parcel does not require a lot area or density variance pursuant to Evesham Township's certified land use ordinances. A single family dwelling can be developed on the parcel without violating any of the criteria contained in N.J.A.C. 7:50-4.65(b) if the conditions recommended below are imposed.

Only if the parcel is developed in accordance with the conditions recommended below will the adverse impacts on wetlands be minimized.

PUBLIC COMMENT

The applicant provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on May 31, 2018. Newspaper public notice was completed on June 7, 2018. The application was designated as complete on the Commission's website on June 1, 2018. The Commission's public comment period closed on July 13, 2018. The Commission staff received one written comment (attached) regarding this application:

Written Commenter #1: The commenters are concerned about the impact of the proposed development on wetlands, stormwater runoff and property maintenance.

Staff Response: The Commission staff appreciates the commenters' interest in the Pinelands. The proposed development will maintain a minimum buffer to wetlands of 50 feet. The proposed buffer to wetlands ranges from 50 feet to approximately 150 feet. The Commission regulations do not require an application for a single family dwelling to address stormwater runoff. However, this Waiver recommendation is conditioned upon provision of certain measures that will reduce stormwater runoff. The Commission's Waiver regulations are designed to provide all property owners with at least a minimum beneficial use of a parcel consistent with the constitutional requirements. The applicant has demonstrated that the proposed dwelling meets the minimum CMP standards to qualify for a

Waiver. The commenter may wish to discuss with an appropriate municipal official their stormwater management and property maintenance concerns.

CONCLUSION

The CMP (N.J.A.C. 7:50-4.62) sets forth the standards which must be met before a Waiver can be approved. The CMP (N.J.A.C. 7:50-4.62(a)) requires that for a Waiver application to be approved based on extraordinary hardship, the applicant must demonstrate that the conditions of either N.J.A.C. 7:50-4.63(a) or (b) have been met.

N.J.A.C. 7:50-4.63(a) sets forth five conditions which must be met for an applicant to qualify for an extraordinary hardship pursuant to that subsection.

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain specified development. One of the specified categories of development is a single family dwelling on a parcel within a Pinelands Regional Growth Area, Pinelands Town or a Pinelands Village which will be served by a centralized wastewater treatment system.

This application is only for a Waiver from the wetland buffer standard of the CMP. The parcel is located in a Pinelands Regional Growth Area. The applicant is seeking to develop a single family dwelling served by a centralized wastewater treatment system on the parcel. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50- 4.63(a)iv.

The second condition is that the parcel includes all contiguous land in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. Since the parcel includes all such contiguous land, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)2.

The third condition is that the proposed use will be the sole principal use on the entire contiguous parcel, except as expressly provided in N.J.A.C. 7:50-5.1(c). As the proposed single family dwelling will be the sole principal use on the parcel, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)3.

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the property is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Evesham Township's master plan and land use ordinances have been certified by the Pinelands Commission. The certified ordinance does not require a lot area or density variance. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50- 4.63(a)4.

The fifth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which permits a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not result in a substantial impairment of the resources of the Pinelands Area. N.J.A.C. 7:50-4.65(b) sets forth the circumstances which do not comply with N.J.A.C. 7:50-4.65(a). With the conditions recommended below, the proposed development will not violate any of the circumstances contained in N.J.A.C. 7:50-4.65(b). As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)5.

Since the applicant meets all five conditions set forth in N.J.A.C. 7:50-4.63(a), the applicant has demonstrated that an extraordinary hardship exists pursuant to N.J.A.C. 7:50-4.62(a).

As required by N.J.A.C. 7:50-4.62(b), the proposed dwelling will not result in substantial impairment of the resources of the Pinelands or be inconsistent with the provisions of the Pinelands Protection Act, the Federal Act or the CMP in accordance with the criteria set forth in N.J.A.C. 7:50-4.65.

As required by N.J.A.C. 7:50-4.62(c) and with the conditions recommended below, the proposed dwelling will not involve trespass or create a public or private nuisance by being materially detrimental or injurious to other property or improvements in the area in which the parcel is located, increase the danger of fire or endanger public safety.

The CMP (N.J.A.C. 7:50-4.62(d)) requires that the Waiver only grant the minimum relief necessary to relieve the extraordinary hardship. The proposed single family dwelling is the minimum relief necessary to relieve the extraordinary hardship which has been shown to exist.

The CMP (N.J.A.C. 7:50-4.62(d)1iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits (PDCs) whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. The applicant is obtaining a Waiver from the required buffer to wetlands standard (N.J.A.C. 7:50-6.14). The Commission staff received notification from the Pinelands Development Credit Bank that the prior Waiver applicant acquired and redeemed the requisite 0.25 PDCs. The applicant meets the requirement contained in N.J.A.C.7:50-4.62(d)1iii.

To meet the requirements of N.J.A.C. 7:50 4.62, N.J.A.C. 7:50 4.63(a) and N.J.A.C. -7:50 4.65, the Pinelands Commission staff has determined that the parcel must be developed in accordance with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan prepared by Clancy & Associates, Inc., dated October 6, 2005 and last revised November 18, 2010.
2. Appropriate measures, such as silt fencing or comparable alternative, shall be taken during construction to preclude sedimentation from entering wetlands.
3. All development, including clearing and land disturbance, shall be located within the proposed development envelope as shown on the above referenced plan. No development, including clearing and land disturbance, is permitted within 50 feet of wetlands.
4. Sufficient dry wells or a comparable alternative shall be installed to contain all stormwater runoff from the house.
5. The driveway shall be constructed of crushed stone or other permeable material.
6. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole use of the parcel.
7. This Waiver shall expire August 10, 2023 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed

to expire or lapse after August 10, 2023 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.

8. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to Commission issuance of a letter advising that any submitted municipal or county permit or approval may take effect. The deed shall specify that the conditions are being imposed pursuant to a July 20, 2018 Pinelands Commission Report on an Application for a Waiver of Strict Compliance (“Waiver Report”) for App. No. 2004-0352.001. The deed shall indicate that the conditions previously required by the September 28, 2009 Waiver Report for App. No. 2004-0352.001, approved by the Pinelands Commission on October 9, 2009, have since expired and are superseded by the conditions required by the July 20, 2018 Waiver Report approved by the Pinelands Commission on August 10, 2018. The deed shall also indicate that the conditions are enforceable by the Pinelands Commission, Evesham Township and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver of Strict Compliance from the requirements of N.J.A.C. 7:50-6.14.

Since the applicant meets the provisions of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65 for the development of one single family dwelling on the subject lot, it is recommended that the Pinelands Commission **APPROVE** the requested Waiver of Strict Compliance subject to the above conditions.

APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. . Any such appeal must be made in writing to the Commission and received at the Commission offices no later than 4:00 PM on August 7, 2018 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received, the Pinelands Commission may either approve the determination of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.



Recommended for Approval by:

Charles M. Horner, P.P., Director of Regulatory Programs

- c: Secretary, Evesham Township Planning Board (via email)
- Evesham Township Construction Code Official (via email)
- Evesham Township Environmental Commission (via email)
- Secretary, Burlington County Planning Board (via email)
- Matt & Fran Davis (via email)

Pinelands Commission
PO Box 359
New Lisbon, NJ 08064

Matt and Fran Davis
1626 Roosevelt Ave
Marlton, NJ 08053

Dear Pinelands Commission;

First thank you for giving us an opportunity to have an input in this decision. My house and property has a branch of the Rancocas that runs thru it and every storm we have to worry about flooding. With all the available area in Marlton sprouting buildings more water now runs off to the stream creating more issues for the properties that are already on the stream. Technically we are part of the "Pinelands" but we are within the boundary that was set by the commission and we are concerned that what happens here definitely effects the pinelands.

This area is considered wetlands which is fragile. Wetlands help filter out water and refill our aquifers to give us clean drinking water and aid in flooding by slowing run off. As the Pinelands and Wetlands commission, you are charge with protecting this very unique ecosystem. This area of Marlton already has to be concerned with flooding. Adding a house to this property decreases the area that water can naturally adsorb into the ground. Since the ground can't absorb the water this creates more run off.

A major concern of mine is the property that the owner already owns. The property is not maintained now. The trash is never cleaned up and there are piles of debris everywhere. The property owners even needed a farm tractor this weekend to cut the lawn do to neglect. Their tree and yard trimmings are left lying around and the dirt that runs off of the property block the storm drains causing flooding.

With all of our concerns for flooding and the environment we do not believe it is a wise decision to allow a house to be built on this property.

Thank you for your concern,

Matt and Fran Davis



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: Denying an Application for a Waiver of Strict Compliance (Application Number 2007-0398.001)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed each of the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following application for Waiver of Strict Compliance be denied:

2007-0398.001

Applicant: Brian Tomasino
Municipality: Galloway Township
Management Area: Pinelands Town
Date of Report: July 20, 2018
Proposed Development: Single family dwelling.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director’s recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for the requested Waiver of Strict Compliance; and

WHEREAS, the Pinelands Commission hereby determines that the requested Waiver does not conform to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 2007-0398.001 for a Waiver of Strict Compliance is hereby **denied**.

Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun				Howell				Prickett			
Avery				Jannarone				Quinn			
Barr				Lloyd				Rohan Green			
Chila				Lohbauer				Earlen			
Galletta				Pikolycky							

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



State of New Jersey
 THE PINELANDS COMMISSION
 PO Box 359
 NEW LISBON, NJ 08064
 (609) 894-7300
 www.nj.gov/pinelands



PHILIP D. MURPHY
 Governor
 SHEILA Y. OLIVER
 Lt. Governor

General Information: Info@pinelands.nj.gov
 Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

July 20, 2018

Brian Tomasino
 4 Brookview Lane
 Granby, CT 06035

Re: Application # 2007-0398.001
 Block 134.01, Lot 4
 Block 134.02, Lot 3
 Block 146, Lot 3
 Block 152, Lot 3
 Galloway Township

Dear Mr. Tomasino:

The Commission staff has completed its review of this application for a Waiver of Strict Compliance (“Waiver”) proposing development of one single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission’s Executive Director, I am recommending that the Pinelands Commission deny the application at its August 10, 2018 meeting.

You have expressed an interest in the New Jersey Department of Environmental Protection acquiring the parcel under the Commission’s Limited Practical Use Program. One of the requirements to qualify for the LPU Program is Pinelands Commission denial of a Waiver application.

FINDINGS OF FACT

This application is for the development of one single family dwelling, served by a conventional onsite septic system, on the above referenced 4.15 acre parcel in Galloway Township. The parcel is located in Galloway Township’s TR zoning district within the Pinelands Town of Egg Harbor City. The applicant could meet the requirement of the Galloway Township land use ordinance that allows the development of a dwelling served by a conventional onsite septic system on a 3.2 acre parcel in the TR zoning district.

The parcel has been site inspected by a member of the Commission's staff. In addition, the appropriate resource capability maps and data available to the staff have been reviewed.



The CMP (N.J.A.C. 7:50-6.84(a)4iv) requires that if development is proposed to be served by an onsite septic system, the proposed onsite wastewater disposal field must be located in an area where the depth to seasonal high water table is at least five feet below the natural ground surface. The Atlantic County Soils Survey indicates that the soils on this parcel have a seasonal high water table of less than two feet below the natural ground surface. The applicant has submitted no information to demonstrate that the septic system could be located in an area where the seasonal high water table is at least five feet below the natural ground surface. Since the available information indicates the seasonal high water table on the entire parcel is less than five feet below the natural ground surface, the applicant is requesting a Waiver from the seasonal high water table requirement for an onsite wastewater disposal field contained in the CMP (N.J.A.C. 7:50-6.84(a)4iv).

The CMP (N.J.A.C. 7:50-6.6) prohibits most development in wetlands. Available information indicates that a portion of the parcel is wetlands. The wetlands on the parcel do not meet the CMP definition of an impaired wetlands (N.J.A.C. 7:50-2.11). The applicant has not demonstrated that no development would be located on these wetlands. The CMP (N.J.A.C. 7:50-6.14) also prohibits most development within 300 feet of wetlands unless it is demonstrated that the proposed development will not result in a significant adverse impact on wetlands. Available information indicates that the portion of the parcel that is not wetlands is located in the required 300 foot buffer to these wetlands. The applicant has not demonstrated that no development would be located within 300 feet of wetlands. The applicant has submitted no information to demonstrate that proposed development within 300 feet of wetlands would not cause a significant adverse impact on the wetlands. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetlands. As there will be a significant adverse impact on wetlands, the applicant is requesting a Waiver from the wetlands and wetlands buffer requirements contained in the CMP (N.J.A.C. 7:50-6.6 and N.J.A.C. 7:50-6.14).

The CMP (N.J.A.C. 7:50-6.27) prohibits development unless it is designed to avoid irreversible adverse impacts on the survival of any local population of plants designated by the New Jersey Department of Environmental Protection as endangered plant species and those plants designated in the CMP as threatened or endangered. The applicant has submitted no information to demonstrate that the proposed development could be designed to avoid irreversible adverse impacts on the survival of any local population of plants designated by the New Jersey Department of Environmental Protection as endangered plant species and those plants designated in the CMP as threatened or endangered. As the applicant has not demonstrated there will not be a significant adverse impact on threatened and endangered species, the applicant is requesting a Waiver from the CMP threatened and endangered species protection standard (N.J.A.C. 7:50-6.27).

PUBLIC NOTICE

The applicant has provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on May 25, 2018. Newspaper public notice was completed on May 24, 2018. The application was designated as complete on the Commission's website on June 20, 2018. The Commission's public comment period closed on July 13, 2018. No public comment regarding this application was submitted to the Commission.

CONCLUSION

The CMP (N.J.A.C. 7:50-4.62) sets forth the standards which must be met before a Waiver can be approved. N.J.A.C. 7:50-4.62(a) requires that for a Waiver to be approved based on extraordinary

hardship, an applicant must demonstrate that the conditions of either N.J.A.C. 7:50-4.63(a) or (b) have been met.

N.J.A.C. 7:50-4.63(a) sets forth five conditions which must be met for an applicant to qualify for a Waiver based on an extraordinary hardship pursuant to that subsection.

The first condition is that the only relief sought is from one or more of the standards contained in the CMP (N.J.A.C. 7:50-6) for certain specified types of development. A single family dwelling on a parcel within a Regional Growth Area, Pinelands Town or Pinelands Village which is at least 20,000 square feet, excluding road rights of way, in size and will not be served by a centralized wastewater treatment system is one of the specified categories of development. As the parcel contains 4.15 acres in a Pinelands Town that will not be served by a centralized wastewater treatment system, the application meets the condition set forth in N.J.A.C. 7:50-4.63(a)1v.

The second condition is that the parcel includes all contiguous land in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. Since the parcel includes all such contiguous lands, the application meets the condition set forth in N.J.A.C. 7:50-4.63(a)2.

The third condition is that the proposed use will be the sole principal use on the entire contiguous parcel, except as expressly provided in N.J.A.C. 7:50-5.1(c). As the proposed single family dwelling would be the sole principal use on the parcel, the application meets the condition set forth in N.J.A.C. 7:50-4.63(a)3.

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Galloway Township's master plan and land use ordinances have been certified by the Pinelands Commission. The certified ordinances do not require a municipal lot area or density variance for the development of a single family dwelling on this 4.15 acre parcel. The application meets the condition set forth in N.J.A.C. 7:50-4.63(a)4.

The fifth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which permits a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not result in substantial impairment of the resources of the Pinelands Area. N.J.A.C. 7:50-4.65(b) provides that the following circumstances will result in substantial impairment of the resources of the Pinelands Area and do not comply with N.J.A.C. 7:50-4.65(a):

- | | |
|------------------------|---|
| N.J.A.C. 7:50-4.65(b)5 | The development of a single family dwelling and associated improvements in wetlands unless that wetland is an impaired wetland; |
| N.J.A.C. 7:50-4.65(b)7 | Any development which will violate the threatened and endangered species protection requirements contained in N.J.A.C. 7:50-6.27; and |
| N.J.A.C. 7:50-4.65(b)8 | Any development which will require the location of an onsite wastewater disposal field in an area where the seasonal high water |

table is within two feet of the natural ground surface or within 50 feet of any surface water body.

The proposed development is not permitted in wetlands. The wetlands on the parcel do not meet the CMP definition of “impaired wetlands.” The applicant has not demonstrated that proposed development will not be located on wetlands as required by N.J.A.C. 7:50-4.65(b)5. As a result, the applicant has not demonstrated that the proposed development will not violate the criteria contained in N.J.A.C. 7:50-4.65(b)5.

The applicant has not demonstrated that the proposed development could be designed to avoid irreversible adverse impacts on the survival of any local population of plants designated by the New Jersey Department of Environmental Protection as endangered plant species and those plants designated in the CMP as threatened or endangered. As a result, the applicant has not demonstrated that the proposed development will not violate the criteria contained in N.J.A.C. 7:50-4.65(b)7.

The applicant has not demonstrated that a proposed onsite wastewater disposal field will not be located in an area where the seasonal high water table is within two feet of the natural ground surface or within 50 feet of any surface water body. As a result, the applicant has not demonstrated that the proposed development will not violate the criteria contained in N.J.A.C. 7:50-4.65(b)8.

The application does not meet the condition set forth in N.J.A.C. 7:50-4.63(a)5.

As the application does not meet all five conditions set forth in N.J.A.C. 7:50-4.63(a), the applicant does not qualify for a Waiver pursuant to that subsection.

N.J.A.C. 7:50-4.63(b) sets forth four conditions which must be met for an applicant to qualify for a Waiver based on an extraordinary hardship pursuant to that subsection.

The first condition is that the parcel includes all contiguous lands in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. As concluded above, the concerned parcel includes all contiguous lands that were in common ownership on or after January 14, 1981. The application meets the condition contained in N.J.A.C. 7:50-4.63(b)1.

The second condition is that the parcel includes all contiguous land with no substantial improvements which is available for purchase at fair market value, including lands which are contiguous as a result of the acquisition of other contiguous lands. There is vacant land bordering the concerned parcel. The applicant has not demonstrated that the vacant land is not available for purchase at fair market value. The application does not meet the condition set forth in N.J.A.C. 7:50-4.63(b)2.

The third condition is that the parcel, including all contiguous lands which are available pursuant to N.J.A.C. 7:50-4.63(b)1 and 2, may not have a beneficial use considering five factors.

The first factor to be considered is the value of any existing development or use of the overall parcel, including any allocation of Pinelands Development Credits (PDCs). The overall parcel is vacant and no use has been established on the parcel. PDCs are not allocated to lands in a Pinelands Town.

The second factor to be considered is the value of any use or development of the parcel that is authorized by the provisions of the CMP. The applicant has submitted no information to address the value of any use or development of the parcel that is authorized by the provisions of the CMP.

The third factor to be considered is the ability of the property owner to sell the parcel to the owner of a contiguous parcel, any governmental agency or to a nonprofit conservation group for its fair market value. The applicant has offered to sell the parcel to the New Jersey Department of Environmental Protection. The applicant provided a letter from the NJDEP Green Acres Program which declined the offer. The applicant also submitted a letter from the Atlantic County Department of Regional Planning and Development declining the offer to acquire the parcel. The applicant submitted no additional information to demonstrate that the parcel cannot be sold for its fair market value to any other governmental agency or to a nonprofit conservation group for its fair market value.

The fourth factor is the ability of the property owner to either buy noncontiguous land or to sell the parcel to a noncontiguous property owner under a residential density transfer provision contained in a certified municipal land use ordinance or pursuant to the CMP (N.J.A.C. 7:50-5.30). Galloway Township's certified land use ordinances do not contain a residential density transfer provision that applies to lands in Galloway Township's TR zoning district.

The fifth factor to be considered is whether any inability to have a beneficial use relates to or arises out of the characteristics of the concerned parcel and results from unique circumstances peculiar to the parcel which are not the result of any personal situation of the applicant and are not the result of any action or inactions by the application or any predecessor in title. The minimum depth to seasonal high water table for an onsite septic system wastewater disposal field, threatened and endangered species protection requirements and wetland protection requirements apply to all other vacant parcels in the area. Any hardship which does exist is a result of the applicant's personal circumstances and their actions and inactions.

Based on these five factors, the application does not meet the condition set forth in N.J.A.C. 7:50-4.63(b)3.

The fourth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). As concluded above, the applicant has not demonstrated that a single family dwelling can be developed on the concerned parcel without violating N.J.A.C. 7:50-4.65(b)5, 7 and 8. As a result, the applicant does not meet the condition contained in N.J.A.C. 7:50-4.63(b)4.

As the applicant does not meet all the conditions for demonstrating extraordinary hardship contained in N.J.A.C. 7:50-4.63(b), the applicant does not qualify for a Waiver pursuant to that subsection.

As N.J.A.C. 7:50-4.63(a) and (b) are the exclusive means of establishing extraordinary hardship, the applicant does not qualify for a Waiver.

As a result, it is recommended that the Pinelands Commission **DENY** the requested Waiver of Strict Compliance.

APPEAL

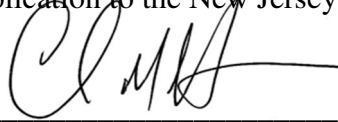
The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by

someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission offices no later than 4:00 PM on August 7, 2018 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received, the Pinelands Commission may either approve the determination of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Recommended for Denial by: _____



Charles M. Horner, P.P., Director of Regulatory Programs

- c: Secretary, Galloway Township Planning Board (via email)
 Galloway Township Construction Code Official (via email)
 Galloway Township Environmental Commission (via email)
 Atlantic County Department of Regional Planning and Development (via email)
 Atlantic County Division of Public Health (via email)
 Betsy Piner



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

Pending Public Development and Waiver of Strict Compliance Applications accepting public comment at the August 10, 2018 Commission Meeting

Public Development Applications

Application No. 1983-9146.005 – Pemberton Township

Received on: July 24, 2018

Project: Demolition of an existing shopping center

Municipality: Pemberton Township

Block 775, Lot 19

Application No. 1993-0465.003 – Waterford Township

Received on: May 2, 2018

Project: Construction of recreational facilities at the Township Recreation Complex

Municipality: Waterford Township

Block 1017, Lot 1

Waiver of Strict Compliance Applications

None



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PHILIP D. MURPHY
 Governor
 SHEILA Y. OLIVER
 Lt. Governor

General Information: Info@pinelands.nj.gov
 Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

LETTER OF INTERPRETATION #2166

July 10, 2018

Joseph & Mary Leshay
 328 Catawba Avenue
 Newfield, NJ 08344

Samuel & Carole Leshay
 328 Catawba Avenue
 Newfield, NJ 08344

Re: Application # 2018-0054.001
 Block 10901, Lot 13
 Bluebell Road & Church Street
 Monroe Township

FINDINGS OF FACT

The applicants own the above referenced 74.34 acre parcel in Monroe Township. This acreage is based on the recorded property deed. The parcel is located in a Pinelands Agricultural Production Area. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicants are requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are allocated to this parcel.

The parcel contains 72.40 acres of uplands and 1.92 acres of wetland soils in active agriculture. The remaining 0.02 acres are other wetlands as defined by N.J.A.C. 7:50-6.5(a). The applicants reserve the right to undertake field mapping to further refine the acreage of uplands and wetlands on the parcel. The active field agriculture in wetland soils was established prior to February 7, 1979. There is one building accessory to the agricultural use on the parcel. There are no easements limiting the use of this parcel to non-residential uses. No resource extraction operation or development has been approved for this parcel pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP). The applicants wish to reserve the right to develop one future single family dwelling on the parcel.

CONCLUSION

The CMP grants, with certain exceptions, to every parcel of land in a Pinelands Agricultural Production Area, a use right known as "Pinelands Development Credits," that can be used to secure a density bonus for lands located in Regional Growth Areas (N.J.A.C. 7:50-5.43). None of these exceptions apply to this parcel.



The CMP establishes the ratio by which PDCs are allocated in a Pinelands Agricultural Production Area (N.J.A.C. 7:50-5.43(b)2). Two PDCs are allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit approved pursuant to the provisions of the CMP; for areas of active berry agricultural bogs and fields and for wetlands in active field agricultural use as of February 7, 1979. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

For the 72.40 acres of uplands, the applicant would be entitled to 3.71 PDCs. For the 1.92 acres of wetlands soils in active field agriculture, the applicant would be entitled to 0.10 PDCs. For the 0.02 acres of other wetlands, the applicants would be entitled to 0.0 PDCs.

Not considering the reserved right for a future dwelling on the parcel, there would be 3.81 PDCs allocated to this parcel.

PDCs are transacted (allocated, severed and redeemed), with limited exceptions, in 0.25 PDC increments (0.25 PDC = 1 dwelling unit).

In addition, N.J.A.C. 7:50 5.43(b)3iii requires that the PDC allocation be reduced by 0.25 PDCs for each reserved right to develop a future single family dwelling on the parcel. Based upon this reduction, there would be 3.56 PDCs allocated to the parcel.

Therefore, there are 3.50 PDCs allocated to the parcel.

This LOI for an allocation of PDCs is valid for five years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 4:00 PM on July 28, 2018. The appeal must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the

Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.

If no appeal is received by 4:00 PM on July 28, 2018, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/pinelands/pdcbank/> or contact the PDC Bank at 609-894-7300.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. M. Horner', with a long horizontal flourish extending to the right.

Charles M. Horner, P.P.

Director of Regulatory Programs

- c: Secretary, Monroe Township Planning Board (via email)
- Monroe Township Construction Code Official (via email)
- Monroe Township Environmental Commission (via email)
- Secretary, Gloucester County Planning Board (via email)
- Susan R. Grogan, Executive Director, PDC Bank (via email)



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: Issuing an Order to Certify Ordinances 12-2018 and 19-2018, Amending Chapter 225 (Zoning) of the Code of Egg Harbor Township

Commissioner _____ **moves and Commissioner** _____
seconds the motion that:

WHEREAS, on October 1, 1993, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Egg Harbor Township; and

WHEREAS, Resolution #PC4-93-139 of the Pinelands Commission specified that amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-93-139 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on April 18, 2018, Egg Harbor Township adopted Ordinance 12-2018, amending Chapter 225 (Zoning) of the Township's Code by adopting requirements for the provision of affordable housing in the RG-4 and RG-5 (Residential) Districts, within the Pinelands Regional Growth Area; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 12-2018 on April 23, 2018; and

WHEREAS, on May 2, 2018, Egg Harbor Township adopted Ordinance 1970-2017, amending Chapter 225 by adopting a revised Schedule of Area, Yard and Building Requirements for the RG-4 and RG-5 Districts; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 19-2018 on May 7, 2018; and

WHEREAS, by letter dated May 15, 2018, the Executive Director notified the Township that Ordinances 12-2018 and 19-2018 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinances 12-2018 and 19-2018 was duly advertised, noticed and held on June 20, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Ordinances 12-2018 and 19-2018 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinances 12-2018 and 19-2018 are in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Ordinances 12-2018 and 19-2018 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinances 12-2018 and 19-2018 and has reviewed the Executive Director’s report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Executive Director; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5H, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify that Ordinances 12-2018 and 19-2018, amending Chapter 225 (Zoning) of the Code of Egg Harbor Township, are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Egg Harbor Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun				Howell				Prickett			
Avery				Jannarone				Quinn			
Barr				Lloyd				Rohan Green			
Chila				Lohbauer				Earlen			
Galletta				Pikolycky							

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

**REPORT ON ORDINANCES 12-2018 AND 19-2018, AMENDING CHAPTER 225
(ZONING) OF THE CODE OF EGG HARBOR TOWNSHIP**

July 27, 2018

Egg Harbor Township
3515 Bargaintown Road
Egg Harbor Township, NJ 08234

FINDINGS OF FACT

I. Background

The Township of Egg Harbor is located in the southeastern portion of the Pinelands Area, in Atlantic County. Pinelands municipalities adjacent to Egg Harbor Township include Galloway Township, Hamilton Township and Estell Manor City in Atlantic County, as well as Upper Township in Cape May County.

On October 1, 1993, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Egg Harbor Township.

On April 18, 2018, Egg Harbor Township adopted Ordinance 12-2018, amending Chapter 225 (Zoning) of the Township's Code by adopting requirements for the provision of affordable housing in the RG-4 and RG-5 (Residential) Districts, within the Pinelands Regional Growth Area. The Pinelands Commission received a certified copy of Ordinance 12-2018 on April 23, 2018.

On May 2, 2018, Egg Harbor Township adopted Ordinance 19-2018, amending Chapter 225 by adopting a revised Schedule of Area, Yard and Building Requirements to reflect the amendments made by Ordinance 12-2018 relative to permitted density and Pinelands Development Credit use in the RG-4 and RG-5 Districts. The Pinelands Commission received a certified copy of Ordinance 19-2018 on May 7, 2018.

By letter dated May 15, 2018, the Executive Director notified the Township that Ordinances 12-2018 and 19-2018 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following ordinances have been submitted to the Pinelands Commission for certification:

- * Ordinance 12-2018, amending Chapter 225 (Zoning) of the Code of Egg Harbor Township, introduced on March 21, 2018 and adopted on April 18, 2018; and
- * Ordinance 19-2018, amending Chapter 225 (Zoning) of the Code of Egg Harbor Township, introduced on April 18, 2018 and adopted on May 2, 2018.

These ordinances have been reviewed to determine whether they conform with the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50 3.39 of the Pinelands Comprehensive Management Plan. The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50 3.39.

1. **Natural Resource Inventory**

Not applicable.

2. **Required Provisions of Land Use Ordinance Relating to Development Standards**

Ordinance 12-2018 amends Chapter 225 (Zoning) of the Code of Egg Harbor Township by requiring that all residential development in the RG-4 and RG-5 Districts provide for affordable housing. The ordinances were adopted to implement the Township's Settlement Agreement with the Fair Share Housing Center, executed on August 16, 2017. The agreement stipulates that Egg Harbor Township has a rehabilitation obligation of 92 units, a prior round obligation of 763 units, and a third round prospective need of 1,000 units.

Ordinance 12-2018 requires that all residential development in the RG-4 or RG-5 Districts resulting in construction of new residential housing units must set aside 20% of the new units for low and moderate income households. Projects that contain less than 20 affordable housing units must have said units dispersed throughout the development and located within buildings designed to be architecturally indistinguishable from the market-rate units within the development. Projects that contain 20 or more affordable housing units have the option of accommodating said units in 100% affordable housing buildings that meet the garden apartment requirements provided in the Township's Code. Residential developments that received preliminary or final approval before the effective date of Ordinance 12-2018 are exempted from the affordable housing set-aside requirements, unless those approvals expire or are amended to reflect substantial changes to the general terms and conditions on which preliminary approval was granted. Information provided to the Commission by the Township indicates that, as of June 30, 2018, there are no projects in either zone that qualify for this exemption.

Egg Harbor Township's RG-4 and RG-5 Districts are the two highest-density zones within the Township's Pinelands Regional Growth Area. In the RG-4 District, single-family detached dwellings, two-family dwellings and single-family attached dwellings (townhouses) are

permitted at a maximum density of 6.0 units per acre. The same housing types, as well as garden apartments, are permitted in the RG-5 District at a maximum density of 7.5 units per acre.

Ordinances 12-2018 and 19-2018 revise various area and bulk standards applicable to different types of permitted residential uses in the two zones but do not change permitted housing types. With respect to single-family attached units (townhouses) in both zones, the minimum required tract size is reduced from five to three acres and the minimum required perimeter buffer is reduced from 20 to 10 feet. For garden apartments in the RG-5 District, the minimum required tract size is reduced from 10 to seven acres. Maximum permitted densities in the two zones remain unchanged; therefore, there is no change in the Township's Regional Growth Area residential zoning capacity. Based on the permitted densities and amount of vacant land in the two zones, the Township estimates that Ordinances 12-2018 and 19-2018 will provide a realistic opportunity for development of up to 726 affordable housing units through 2025.

Ordinances 12-2018 and 19-2018 are consistent with the land use standards of the Comprehensive Management Plan. This standard for certification is met.

3. Requirement for Certificate of Filing and Content of Development Applications

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Ordinance 12-2018 amends Chapter 225 (Zoning) of the Township's Code by requiring that Pinelands Development Credits (PDC) be acquired and redeemed for 25% of the market rate residential units developed in the RG-4 and RG-5 Districts. This 25% obligation applies regardless of the density at which any particular project is proposed or constructed. The use of

PDCs is not required for those units in the RG-4 or RG-5 Districts that are required to be developed as affordable units.

Ordinance 12-2018 does not increase or decrease the amount of residentially zoned property in Egg Harbor Township's Regional Growth Area. Neither does the ordinance affect the maximum permitted densities or residential zoning capacity in the Regional Growth Area. Rather, Ordinance 12-2018 accommodates PDC use in a different manner than has traditionally been the case, in order to allow the Township to meet both its PDC and affordable housing obligations. Instead of providing a base density and affording developers an opportunity to use PDCs to increase that density if they so choose, the Township has elected to make PDC use a mandatory component of all residential projects in its two highest-density zones, with an exemption for affordable housing units.

N.J.A.C. 7:50-3.39(a)8 specifies that in order to be certified by the Commission, municipal land use ordinances must provide for sufficiently residentially zoned property in the Regional Growth Area to be eligible for an increase in density to accommodate PDCs as provided for in N.J.A.C. 7:50-5.28(a)3. N.J.A.C. 7:50-5.28(a)7i then authorizes Pinelands municipalities to employ additional density bonus or incentive programs, provided such programs do not interfere with or otherwise impair in any way the required municipal program for use of PDCs. Additional flexibility is provided in more general terms in the introduction to subchapter 5 of the CMP which states that CMP standards may be refined by local agencies, provided that the objectives and goals the minimum standards represent will be achieved. In this context, the PDC requirements implemented by Ordinance 12-2018 are consistent with the Comprehensive Management Plan. While the 25% requirement applied to the RG-4 and RG-5 Districts is not as high a number as would be provided through the more traditional zoning approach (where PDCs would account for 33% of the total number of permitted units), it is important to remember that the traditional base density/bonus density approach utilized throughout the Pinelands Area only provides an *opportunity* for the use of PDCs. There is no requirement under the traditional approach that any PDCs be used in any particular development project. Ordinance 12-2018 *guarantees* a certain level of PDC use in association with any residential development in the Township's two highest-density Regional Growth Area residential zones, regardless of project density or the number of units that are ultimately built. Given the greater certainty provided by this approach, the Executive Director believes that the PDC requirements adopted by Ordinance 12-2018 should be viewed as being consistent with Comprehensive Management Plan standards.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinances 12-2018 and 19-2018, amending Chapter 225 (Zoning) of the Code of Egg Harbor Township, are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. This standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Ordinances 12-2018 and 19-2018, amending Chapter 225 (Zoning) of the Code of Egg Harbor Township, comply with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

Not applicable.

PUBLIC HEARING

A public hearing to receive testimony concerning Egg Harbor Township's application for certification of Ordinances 12-2018 and 19-2018 was duly advertised, noticed and held on June 20, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which the following testimony was received:

Peter Miller, Egg Harbor Township Administrator, stated that Ordinances 12-2018 and 19-2018 arise from the Township's settlement agreement with the Fair Share Housing Center on the municipality's affordable housing obligation. He asked that the Commission look favorably upon the two ordinances.

There being no further testimony, the hearing was concluded at 9:40 a.m.

Written comments on Ordinances 12-2018 and 19-2018 were accepted through June 27, 2018; however, none were received.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinances 12-2018 and 19-2018, amending Chapter 225 (Zoning) of the Code of Egg Harbor Township, comply with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinances 12-2018 and 19-2018 of Egg Harbor Township.

SRG/CEH



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: To Adopt the Pinelands Commission's Fiscal Year 2019 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund, Katie Trust Fund and the Pinelands Conservation Fund

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, pursuant to the Pinelands Protection Act, the Pinelands Commission is charged with the continuing implementation and monitoring of the Pinelands Comprehensive Management Plan; and

WHEREAS, the State of New Jersey has appropriated \$2,799,000 to support the Commission's operations during Fiscal Year 2019; and

WHEREAS, the Department of the Treasury informed the Commission that \$687,000 of budgeted health benefits and pension costs will be covered through the State's interdepartmental accounts in FY 2019; and

WHEREAS, the Commission anticipates that additional funding sources of \$1,858,511 will be available to further support the Commission's operations; and

WHEREAS, the FY 2019 Operating Budget anticipates a \$570,563 draw from the Commission's unreserved, undesignated fund balance; and

WHEREAS, the Commission is adopting an Operating Budget for FY 2019 totaling \$5,915,074; and

WHEREAS, the remaining unreserved, undesignated fund balance amount is sufficient to cover unforeseen or emergency expenditures in the near future; and

WHEREAS, the Kirkwood Cohansey Aquifer Assessment Study Fund budget for FY 2019 recommends expenditures of \$115,270, which will be drawn from the Fund Balance for this project; and

WHEREAS, the Katie Trust Fund Garden Budget for FY 2019 recommends expenditures of \$15,000, which will be drawn from the Fund Balance for the Garden project; and

WHEREAS, a financial plan for the Pinelands Conservation Fund (PCF), which designated four programs (Land Acquisition, Conservation Planning and Research, Community Planning and Design and Education and Outreach) within the Fund, was approved by the Commission in April 2005, and revised in August 2009, and revised again in August 2014; and

WHEREAS, during FY 2019, the budget for the Land Acquisition program totals \$284,007; and

WHEREAS, the FY 2019 budget for the Conservation Planning and Research program totals \$334,610; and

WHEREAS, the FY 2019 budget for the Community Planning and Design program totals \$115,109; and

WHEREAS, the FY 2019 budget for the Education and Outreach program totals \$129,671; and

WHEREAS, the total budget for the Pinelands Conservation Fund during FY 2019 totals \$863,397 and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission hereby adopts the attached Fiscal Year 2019 Budgets for the Operating Fund totaling \$5,915,074; the Kirkwood Cohansey Aquifer Assessment Study Fund totaling \$115,270; the Katie Trust Fund Garden Budget totaling \$15,000 and the Pinelands Conservation Fund totaling \$863,397.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun					Howell					Prickett				
Avery					Jannarone					Quinn				
Barr					Lloyd					Rohan Green				
Chila					Lohbauer					Earlen				
Galletta					Pikolycky									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman

**PINELANDS COMMISSION
OPERATING BUDGET REVENUES
GENERAL FUND
FISCAL YEAR 2019**

Revenue Source	FY2016 Budget	FY2017 Budget	FY2018 Budget	FY2019 Anticipated	Notes
State Appropriation	2,499,000	2,649,000	2,649,000	2,799,000	1
State Supplemental Funding (Fringe Benefits)	687,000	687,000	687,000	687,000	2
Miscellaneous Income	300	300	600	200	
Interest Income	1,500	2,000	5,000	25,000	3
MTMUA Hydrologic Monitoring	0	0	0	0	
CCMUA Hydrologic Monitoring	17,952	16,500	8,000	10,330	4
EPA Buffer Grant	0	0	0	0	
NPS - Long Term Environmental Monitoring	181,277	118,000	329,750	313,271	5
NPS - Long Term Economic Monitoring	106,723	37,000	328,750	326,058	5
Drexel - DWRF	0	0	0	322,003	
EPA - Micro	0	0	0	140,379	
Stockton College MOA	20,000	20,000	20,000	20,000	6
Vehicle Auction Proceeds	2,000	0	0	0	
Wetlands Permitting	200	200	2,000	10,000	7
Pinelands Application Fees	425,000	500,000	340,000	430,000	8
Utility Companies ROW Program	59,200	59,200	59,200	59,200	9
TOTAL REVENUE	4,000,152	4,089,200	4,429,300	5,142,441	
Microfilm Reserve Anticipated	3,650	3,650	3,650	3,650	10
Computer Reserve Anticipated	21,600	18,420	18,420	18,420	11
Fenwick Manor Painting Reserve Anticipated	40,000	80,000	100,000	120,000	12
Administrative Assessment (Pnlds. Conserv. Fund)	80,000	80,000	80,000	60,000	13
Undesignated Fund Balance Anticipated	496,310	370,442	394,468	570,563	14
TOTAL OTHER INCREASES	641,560	552,512	596,538	772,633	
TOTAL REVENUE AND OTHER INCREASES	4,641,712	4,641,712	5,025,838	5,915,074	

**PINELANDS COMMISSION
OPERATING BUDGET EXPENDITURES
GENERAL FUND
FISCAL YEAR 2019**

Expenditure Account	FY2016 Budget	FY2017 Budget	FY2018 Budget	FY2019 Anticipated	Notes
PERSONNEL					
Salaries & Wages	2,473,705	2,540,554	2,691,781	3,031,731	15
Fringe Benefits	1,539,755	1,448,268	1,594,542	1,808,212	16,37
TOTAL PERSONNEL	4,013,459	3,988,822	4,286,323	4,839,943	
SUPPLIES					
Printing & Office Supplies	15,500	19,505	18,080	31,860	17
Vehicular Supplies	7,200	6,250	6,250	5,750	18
Household Supplies	6,000	7,800	8,450	8,900	19
Fuel & Utilities	41,100	42,150	42,350	42,350	20
Other Supplies	5,461	4,430	5,930	16,599	21
TOTAL SUPPLIES	75,261	80,135	81,060	105,459	
SERVICES					
Travel	8,000	8,610	14,900	11,500	22
Telephone	22,000	22,305	30,305	36,325	23
Postage	7,000	7,000	6,650	7,150	24
Insurance	43,900	45,800	51,900	58,200	25,37
Information Processing	69,500	94,780	77,471	77,410	26
Household Services	2,150	2,250	2,250	2,400	27
Professional Services	235,000	284,465	278,715	630,582	28,37
Other Services	21,679	23,075	28,640	31,526	29
TOTAL SERVICES	409,229	488,285	490,831	855,093	
MAINTENANCE & RENT					
Maintenance - Buildings & Grounds	57,300	31,400	92,000	42,500	30
Maintenance - Equipment	25,500	17,700	17,700	27,050	31
Maintenance - Vehicular	6,000	5,750	5,750	5,750	32
Rent - Other	7,400	7,400	6,950	6,750	33
TOTAL MAINTENANCE & RENT	96,200	62,250	122,400	82,050	
IMPROVEMENTS & ACQUISITIONS					
Improvements - Buildings & Grounds	0	0	0	0	
Acquisitions - Vehicles	0	0	0	0	
Acquisitions - Equipment	3,563	3,800	4,619	10,528	34
Acquisitions - Information Processing Equipment	44,000	18,420	40,605	22,000	35
TOTAL IMPROVEMENTS & ACQUISITIONS	47,563	22,220	45,224	32,528	
TOTAL EXPENDITURES	4,641,712	4,641,712	5,025,838	5,915,074	36

**PINELANDS COMMISSION
OPERATING BUDGET
FISCAL YEAR 2019 NOTES
August 1, 2018**

1. The Governor's budget includes a FY 2019 State Appropriation to the Commission in the amount of \$2,799,000. This is an increase from the FY2018 Appropriation.
2. State Supplemental Funding (Fringe Benefits) totaling \$687,000 helps to offset the Commission's health and pension costs. Since FY 2004, the Department of the Treasury has agreed to help the Commission finance its escalating health benefits premiums through an Interdepartmental Account. Beginning in FY 2009, the amount of assistance was calculated using projected health and pension costs not funded through other sources. Using this calculation, the Commission requested \$838,218 in FY 2012, \$837,927 in FY 2013, \$844,809 in FY 2014 and \$840,455 in FY 2015 but was only approved to receive \$687,000. In FY 2016, only \$687,000 was received and this amount was consistent for FY 2017, FY 2018 and will be for FY 2019.
3. Interest Income is earned in the Commissions checking account and the cash management fund designated for general use. Interest income for the Kirkwood Cohansey Aquifer Study and the Pinelands Conservation Fund is reflected in the budgets for those programs. Interest rates have fluctuated in recent years and have greatly affected interest income over several years and will continue to do so in FY 2019.
4. Monitoring for the Camden County MUA hydrologic projects will continue into FY 2019. Anticipated revenue is calculated using the amount to be paid to the USGS for this monitoring.
5. The Commission is entering its 25th year of the Environmental and Economic Long Term Monitoring programs. This anticipated revenue from the National Park Service is based upon that program's projected expenses during the fiscal year and unspent funds from prior years, which are reimbursed in full.
6. In November 2014, the Commission authorized the execution of a Memorandum of Agreement with Richard Stockton College (now University) to establish an alternative permitting process MOA. In accordance with Paragraph III.A.10., Stockton University is obligated to reimburse the Commission for staff costs associated with the development of the MOA and application fees for the review of any development projects conducted under the terms of the MOA.
7. The anticipated revenue from the NJDEP Wetlands Permitting program that the Commission helps to administer reflects the estimated permit fees to be received and is authorized through language in the Appropriations Act.
8. Application Fees of \$430,000 are anticipated to be received during FY 2019. This important component of the Commission's Operating Budget fluctuates tremendously from month to month. This funding source will be closely monitored throughout the fiscal year.

9. In October 2009, the Commission adopted the New Jersey Pinelands Electric Transmission Right-of-Way Maintenance Plan that authorizes the Utility Companies to maintain electric transmission rights-of-way without applying to the Commission. According to the Memorandum of Agreement, the companies pay an annual fee to cover the Commission's inspection and monitoring expenses.

10. The \$3,650 anticipated revenue from the Microfilm Reserve equals the amount being recommended in the expenditure accounts for items relating to permanent record storage, including microfilming and document imaging. The remaining balance in the Microfilm Reserve account will be held in reserve to sustain the future costs of the long term records management project.

11. The FY 2019 anticipated revenue from the Computer Reserve estimated at \$18,420 for Replacement Computers and Replacement Printers.

12. The Fenwick Manor Painting Reserve has been established to earmark funds for the future painting of Fenwick Manor. Funds will be added annually until the project is complete. The current total consists of \$40,000 from FY15; \$40,000 from FY16; \$20,000 from FY17 and \$20,000 from FY18.

13. In April 2005, the Commission adopted a financial plan for the Pinelands Conservation Fund. Included in the plan is an annual assessment of \$20,000 from each of the three programs (see Pinelands Conservation Fund budget note #3). This \$60,000 administrative assessment will finance costs associated with cash management activities, accounting services, procurement services and centralized support services.

14. The projected amount needed from the Undesignated Fund Balance to balance the FY2019 budget deficit is \$848,420. Traditionally, the actual amount drawn from the fund balance at the fiscal year end is lower than anticipated, if even used. The increase in undesignated fund balance is due to the addition of (3) new Science grants that have not incurred the revenue to offset yet. The amount in the Commission's fund balance is sufficient to cover the \$570,563 while leaving enough money to fund unforeseen expenses, emergencies and a similar budget deficit in the next few years.

15. The Commission's authorized staffing level is 66 full time equivalent positions (FTEs). Since FY 2007, unfilled vacancies have steadily increased to a total of 23 unfilled full time equivalent positions, or more than 35% of the authorized staffing level. The FY 2019 salaries and wages budgets (Operating, Kirkwood Cohansey Study and Pinelands Conservation Fund) finance only 42 of the 66 authorized full time equivalent positions.

16. The fringe benefits budget includes expenditures for the employer's share of Social Security (\$185,000), Medicare (\$45,000), disability insurance (\$2,000), flexible savings accounts (\$1,500) and miscellaneous administrative charges (\$1,000). The employer liability of pension related funds is estimated at \$380,000. The Commission's escalating health benefit premiums for active and retired employees are estimated at \$1,225,000 with a \$140,000 reduction for coinsurance payments

from staff members. Also included is \$15,000 for dental insurance premiums and \$900 for participation in the Employee Advisory Service. Lastly, \$150,450 of the total fringe benefits budget is projected to be funded by the Kirkwood Cohansey Study (\$13,260) and the Pinelands Conservation Fund (\$137,190) as shown in those budgets.

Upon Commission approval of the FY 2019 Operating Budget, the Executive Director will be authorized to pay the employer share of Social Security and Medicare at an amount not to exceed the budgeted funding of \$230,000.

17. The printing and office supplies budget includes expenditures for printing; office, computer, mailing, copying, and meeting supplies; office and computer equipment with an item cost of less than \$1,000; reference materials; scientific report printing/publication; and service awards. Grant-related expenses account for \$11,700 of this budget.

18. The majority of the vehicular supplies budget covers gasoline for Commission vehicles. Other costs budgeted in this account include replacement tires, supplies used for routine vehicular maintenance and other miscellaneous supplies such as keys, mats, scrapers and first aid kits. In FY 2010, the Commission's fleet was reduced from seven to five vehicles. However, high gasoline prices have offset some of the savings of a smaller fleet.

19. The household supplies budget provides for the purchase of materials to perform minor buildings and grounds maintenance, cleaning supplies, household paper products, basic kitchen supplies, household equipment costing less than \$2,000 and other operating supplies.

20. The fuel and utilities budget covers expenditures for heating fuel, electricity, water and sewer. During the latter part of FY 2016, the Commission was accepted into the State's cooperative purchasing for electricity and heating fuel.

21. The other supplies budget covers expenditures for supplies and equipment (less than \$1,000) supporting map-making, scientific research, fieldwork, and photographic needs. Grant related expenditures are a significant portion (over 96 %) of this account, totaling \$15,899 for FY2019.

22. The travel budget covers reimbursements to the staff for business mileage on their personal vehicles, tolls and parking, and meal allowances. The majority of the travel budget is used to reimburse Commissioners for business mileage and tolls.

23. The telephone budget includes basic service, toll charges, the service cost of a data circuit, conference calls, and cellular phone service and toll charges.

24. The postage budget finances general postage fees, parcel delivery charges and post office box rental charges. Over the last several years, this account has decreased as more correspondence is sent electronically including public outreach.

25. The insurance budget covers estimated premiums for automobiles, general liability, fire, theft, workers compensation, volunteers and the umbrella liability policy. Through the years, the

Commission has realized premium savings by participating in the States Tort Claims Fund and by including the Commission's buildings under the States property insurance.

Upon Commission approval of the FY 2019 Operating Budget, the Executive Director will be authorized to pay the State's insurance broker an amount not to exceed the budgeted funding of \$63,200.00 to cover the Commission's insurance premiums (\$58,200 from the Operating Budget and \$5,000 from the Pinelands Conservation Fund for related Visitor's Center policies).

26. The FY 2019 budget for information processing includes \$57,760 for software maintenance agreements and data purchases, \$4,500 for payroll processing, \$2,600 for database administration services and \$1,500 for online legal services and \$1,500 for hardware maintenance. Over \$9,550 of this budget is reimbursable through grants or special revenue.

27. The household services budget covers trash removal, alarm (security and fire) monitoring, and exterminating services.

28. The professional services account covers expenditures for legal fees, technical and consulting services, and other miscellaneous services. Estimated costs include \$75,000 for legal fees associated with DAG services, \$175,000 for labor counsel, \$3,000 for the Office of Administrative Law assessment fees. Grant related technical services totaling \$361,158 are budgeted.

29. Expenditures in the other services budget include annual subscriptions (\$1,970), required memberships (\$2,990), and meeting expenses (\$4,300); advertising (\$3,310), research related fees (\$1,456), training (\$16,500), and banking fees (\$1,000).

30. The maintenance buildings and grounds budget for FY 2019 includes additional Tree Cutting at the estimate of \$15,000 and an estimate for a Generator and connection at \$15,000. The remaining \$12,500 is available for minor maintenance services (plumbing, electrical, HVAC, etc.).

31. The maintenance - equipment budget provides for the inspection, maintenance and repair of certain building systems and other equipment. Included is \$15,550 for the buildings' systems (fire equipment, elevator, security, and access), of which the sprinkler in RJS needs replacement. \$8,000 for office equipment, and \$2,000 for scientific equipment and \$1,500 for maintenance equipment.

32. The maintenance vehicular budget finances routine maintenance, vehicular fees, and repairs, including any needed body work not performed by the Commission's Maintenance Technician.

33. Since FY 2011, several changes in the rent other budgets have occurred. In FY2011 a smaller postage machine was rented saving thousands in acquisition, rental and maintenance expenses. The FY 2019 budget includes \$500 for the postage meter, \$5,900 for the lease of (2) black and white copiers, \$100 for excess copy charges, and \$250 for the safe deposit box.

34. The acquisitions - equipment budget contains \$10,528 for scientific equipment supporting grant related projects.

35. The acquisitions - information processing equipment budget includes the replacement computers (\$13,000), a laptop docking station (\$2,000), an Antivirus Server (\$1,000) and replacement Printers (\$6,000) are anticipated to be installed in FY19.

36. The total estimated Operating Budget expenditures for FY 2019 equal \$5,915,074. During the fiscal year, certain unforeseen and/or emergency expenditures may become necessary. The Personnel and Budget Committee has discussed this issue and recommends that the Executive Director be authorized to exceed the budget of an expenditure category (personnel, supplies, services, maintenance/rent, improvements/acquisitions) by no more than 10% provided that funds are available in other expenditure categories to ensure that the total Operating Budget is not exceeded and provided further that the combined salary budgets for the Operating Fund, Kirkwood-Cohansey Study and the Pinelands Conservation Fund do not exceed \$3,326,731.00.

37. Several expenditure account budgets include funding for various services and benefits that are reimbursed to the State of New Jersey and are over the Executive Director's authorized contracting limit of \$40,000. These consist of employee health benefits; the employer liability assessed by the Division of Pensions and the Commission's attorney (DAG) fees.

Upon Commission approval of the FY 2019 Operating Budget, the Executive Director will be authorized to pay the State of New Jersey for the aforementioned items in an amount not to exceed the budgeted funding.

**PINELANDS COMMISSION
KIRKWOOD COHANSEY AQUIFER ASSESSMENT STUDY
FISCAL YEAR 2019 BUDGET**

	FY2016 Budget	FY2017 Budget	FY2018 Budget	FY2019 Anticipated	Notes
REVENUE PROJECTIONS					
Interest Income	150	300	1,000	1,000	1
Total Revenue	150	300	1,000	1,000	
K/C Study Fund Balance Anticipated	225,815	152,816	162,792	114,270	2
Total Revenue/Reserve Anticipated	225,965	153,116	163,792	115,270	

Expenditure Account	FY2016 Budget	FY2017 Budget	FY2018 Budget	FY2019 Anticipated	Notes
PERSONNEL					
Salaries & Wages	31,490	37,100	32,100	26,000	3
Fringe Benefits	17,475	17,066	16,692	13,260	4
TOTAL PERSONNEL	48,965	54,166	48,792	39,260	
SUPPLIES					
Printing & Office Supplies	1,500	500	500	500	5
Vehicular Supplies	-	-	-	-	
TOTAL SUPPLIES	1,500	500	500	500	
SERVICES					
Travel	50	50	50	50	
Training	-	-	-	5,000	6
Information Processing	450	400	450	460	
Professional Services	175,000	98,000	114,000	70,000	7
Other Services	-	-	-	-	
TOTAL SERVICES	175,500	98,450	114,500	75,510	
Total Expenditures	225,965	153,116	163,792	115,270	

**PINELANDS COMMISSION
KIRKWOOD COHANSEY AQUIFER ASSESSMENT FUND
FISCAL YEAR 2019 BUDGET NOTES
August 1, 2018**

1. The funds provided from the Water Supply Fund to prepare the Kirkwood Cohansey Aquifer Assessment and Report are kept in a separate cash account. The interest income estimated at \$1,000 stays within the program and is available to help fund the project. This amount is an increase from the last few years due to interest rates slowly rising. The cumulative interest earnings are accounted for as Fund Balance.
2. It is likely that any remaining Fund Balance existing at the end of the fiscal year will be used to support the Commission's development of water supply policies and/or regulations.
3. The FY 2019 salaries and wages budget finances salary expenses of employees who spend time working on this project and are estimated at \$26,000.
4. The fringe benefits budget represents the chargeable benefits calculated using the OMB issued "Employee Benefit" reimbursement rates for FY 2018. (Rates for FY18 have been made available in Circular Letter 18-06-OMB).
5. The printing and office supplies budget of \$500 represents the estimated cost to print and publish the final report.
6. The training budget of \$5,000 represents Mod Flow and other potential training.
7. The professional services budget of \$70,000 represents the continued work of USGS needed in preparation of the final report and associated Programming Services.

**PINELANDS COMMISSION
KATIE TRUST FUND
FISCAL YEAR 2019 BUDGET**

Revenue	FY 2018 Budget	FY 2019 Anticipated	Notes
Katie Trust Fund Balance Anticipated	20,638	15,000	1
Total Reserve Anticipated	20,638	15,000	

Expenditure Account	FY 2018 Budget	FY 2019 Anticipated	Notes
Ground Supplies			
Plants & Fencing	9,638	4,000	2
Total Supplies	9,638	4,000	
Services			
Professional Services	10,000	10,000	3
Total Services	10,000	10,000	
Improvements & Acquisitions			
Acquisitions - Furniture	1,000	1,000	4
Total Improvements & Acquisitions	1,000	1,000	
Total Expenditures	20,638	15,000	

**PINELANDS COMMISSION
KATIE TRUST FUND
FISCAL YEAR 2019 BUDGET NOTES
August 1, 2018**

1. This is the anticipated Fund Balance needed to complete the Garden Project.
2. The Ground Supplies budget of \$4,000.00 represents the estimated cost of the plants is \$3,000.00 and Split Rail fencing added between the Garden and Springfield Road to create a perimeter. The estimated cost for the fence is \$1,000.00.
3. The Professional Services budget of \$10,000 represents the New Path in Concrete, Exposed Aggregate or Flagstone.
4. The Acquisitions – Furniture budget is for 2 Memorial Benches that will be purchased.

**PINELANDS COMMISSION
PINELANDS CONSERVATION FUND
FISCAL YEAR 2019 BUDGET**

Revenue Source	FY2016 Budget	FY2017 Budget	FY2018 Budget	FY2019 Anticipated	Notes
EPA Grant - Intermittent Ponds	84,000	0	0	0	
EPA Grant - Natural and Created Wetlands	83,000	0	0	0	
Interest Income - Land Acquisition	650	1,500	5,000	6,000	1
Interest Income - Conservation Planning & Research	2,300	4,000	15,000	25,000	1
Interest Income - Community Planning & Design	1,200	1,500	5,000	10,000	1
Interest Income - Education & Outreach	440	1,000	5,000	8,000	1
Total Revenue	171,590	8,000	30,000	49,000	
Cancellation of Prior Year Encumbrances	0	0	0	0	
Reserves for Pinelands Conservation Activities	1,840,204	1,808,792	1,252,675	814,397	2
Total Revenue/Other Sources Anticipated	2,011,794	1,816,792	1,282,675	863,397	

Expenditure Account	FY2016 Budget	FY2017 Budget	FY2018 Budget	FY2019 Anticipated	Notes
<u>Land Acquisition</u>					
Salaries & Wages	84,029	12,320	12,000	5,000	
Fringe Benefits	42,380	5,667	6,120	2,550	
Information Processing	1,600	1,000	225	0	
Professional Services	25,000	0	0	0	
Land Acquisition	750,000	600,000	500,000	276,457	
Administrative Assessment	20,000	20,000	20,000	0	3
Total Land Acquisition Expenditures	923,009	638,987	538,345	284,007	4

Conservation Planning and Research

Salaries & Wages	222,629	284,785	168,000	157,000	
Fringe Benefits	113,704	131,001	85,680	80,070	
Printing & Office Supplies	100	700	250	0	
Household Supplies (clothing)	1,300	1,100			
Other Supplies	1,844	1,526			
Travel	9,000	7,150	4,175	1,702	
Information Processing	5,700	7,000	6,628	5,538	
Technical Services	70,000	136,600	54,353	70,000	
Professional Services	100,000				
Other Services	2,000	2,100	2,100	300	
Acquisitions - Equipment					
Acquisitions - Information Processing Equipment					
Administrative Assessment	20,000	20,000	20,000	20,000	3
Total Conservation Planning/Research Expenditures	546,277	591,962	341,186	334,610	5

Community Planning and Design

Salaries & Wages	62,217	61,000	106,000	62,000	
Fringe Benefits	31,910	28,060	54,060	31,620	
Printing & Office Supplies	150	100	125	385	
Other Supplies					
Travel	100	50	25	154	
Postage	250	250	200	250	
Information Processing	2,570	1,370	923	500	
Other Services	150	150	21,200	200	
State Aid and Grants					
Administrative Assessment	20,000	20,000	20,000	20,000	3
Total Community Planning/Design Expenditures	117,347	110,980	202,533	115,109	6

Education and Outreach

Salaries & Wages	34,749	40,000	62,000	45,000	
Fringe Benefits	17,791	18,400	31,620	22,950	
Printing & Office Supplies			650	500	
Other Supplies	2,500	1,500	1,450	900	
Information Processing		0			
Other Services	350,121	394,963	84,891	40,321	
Administrative Assessment	20,000	20,000	20,000	20,000	3
Total Education and Outreach	425,161	474,863	200,611	129,671	7

Total Expenditures	12,011,794	1,816,792	1,282,675	863,397	
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PINELANDS COMMISSION
PINELANDS CONSERVATION FUND
FISCAL YEAR 2019 BUDGET NOTES
August 1, 2018

1. The funds provided from Atlantic City Electric (formerly Conectiv) and other related revenue sources are kept in four separate cash accounts, one for each program of the Fund. The FY 2019 estimated interest income totals \$49,000 and is comprised of interest income from the four cash accounts. All interest income stays within the particular program and is available to help fund the various projects.
2. The difference between the revenues and expenditures for the year, estimated at \$814,397 is financed from the Reserves for Pinelands Conservation Activities. Each of the four programs (Land Acquisition, Conservation Planning and Research, and Community Planning and Design, Education and Outreach) has its own reserve account.
3. The financial plan that designated the three original programs within the Fund (Land Acquisition, Conservation Planning & Research and Community Planning & Design) was approved by the Commission in April 2005 and includes a \$20,000 annual assessment from each program to cover administrative expenses as described in Operating Budget note #13. The Commission amended the PCF policies in 2014 to include a fourth program, Education & Outreach, from which a \$20,000 annual administrative assessment is also drawn. FY 2019 will see the removal of the annual assessment from the Land Acquisition program.
4. The Land Acquisition program budget for FY 2019 totals \$284,007. Personnel costs (salaries/wages and fringe benefits) are estimated at \$7,550 in support of the Commission's permanent land protection initiatives. Land acquisitions could total up to \$276,457.
5. The Conservation Planning and Research program budget for FY 2019 totals \$334,610. Personnel costs (salaries/wages and fringe benefits) are estimated at \$237,070 to support the following initiatives and special projects: implementation of the rapid landfill assessment, implementation of the alternate septic system pilot program / septic system management, the roadside plants management project, management of threatened and endangered species data and rule making for the Black Run watershed. Also included in this year's budget is \$65,000 for technical services from the USGS for the created wetlands and Barnegat Bay stormwater projects. Miscellaneous expenses (interns, software, mileage, reference books, training, and scientific supplies and equipment) supporting the conservation planning and research program equal \$12,540. Rounding out the budget is the \$20,000 administrative assessment mentioned above.
6. The Community Planning and Design program budget for FY 2019 totals \$115,109. Personnel costs (salaries/wages and fringe benefits) are estimated at \$93,620 to support the following initiatives and special projects: review and implementation of the Forest and Rural Development Area clustering rules, proposal of the Pinelands Development Credit enhancement rules, administrative responsibilities supporting the Pinelands Development

Credit Bank, administration of the Pinelands Infrastructure Trust Fund and coordination of activities related to the Pinelands Scenic Byway. Miscellaneous expenses (software, postage, printing, supplies, meeting expenses and legal advertisements) supporting the program equal \$1,489. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

7. The Education and Outreach program budget for FY 2019 totals \$129,671. Personnel costs (salaries/wages and fringe benefits) are estimated at \$67,950 to support the opening/operation of the Ashmun Exhibit Center and the following special projects: the Pinelands Short Course and the Brotherton archaeological excavation. There is additional cost anticipated for the Exhibit Center estimated at \$35,121. Also included is \$5,500 for supplies and technical services related to the Brotherton excavation. Miscellaneous expenses (supplies and mileage) supporting the program equal \$1,100. Rounding out the budget is the \$20,000 administrative assessment mentioned above.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: To Approve the New Jersey Pinelands Commission’s 2017 Annual Report

Commissioner _____ **moves and Commissioner** _____ **seconds the motion that:**

WHEREAS, in September 2006, then Governor Corzine issued Executive Order #37; and

WHEREAS, Executive Order #37 called for the preparation and approval of a comprehensive report concerning the operations of each State authority; and

WHEREAS, the report shall set forth the significant actions of the Commission; and

WHEREAS, since the report is to be done on an annual basis and it includes much of the same information as the Commission's Annual Report, which is required by the Pinelands Protection Act, the two reports have been combined since 2007 as a cost savings measure to eliminate waste and promote efficiency as called for in Executive Order #37; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that the attached 2017 Annual Report be approved, submitted to the Governor's Authorities Unit and posted on the Commission's web site.

Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun				Howell				Prickett			
Avery				Jannarone				Quinn			
Barr				Lloyd				Rohan Green			
Chila				Lohbauer				Earlen			
Galletta				Pikolycky							

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



**New Jersey
Pinelands Commission**

Annual Report 2017

Mission Statement of the New Jersey Pinelands Commission

The mission of the New Jersey Pinelands Commission is to preserve, protect and enhance the natural and cultural resources of the Pinelands National Reserve, and to encourage compatible economic and other human activities consistent with that purpose.

Cover photo: Grass pink is among nearly 30 species of wild orchids that grow in the Pinelands.

Photo by Paul Leakan/New Jersey Pinelands Commission

New Jersey Pinelands Commission 2017

Gubernatorial Appointees

Candace M. Ashmun
D'Arcy Rohan Green
Mark S. Lohbauer
Gary Quinn

Bob Barr
Edward Lloyd
Richard H. Prickett

U.S. Secretary of the Interior's Appointee

Frank Hays (January - March)

County Appointees

Atlantic County

Paul E. Galletta, Vice Chairman

Burlington County

Sean W. Earlen, Chairman

Camden County

Edward McGlinchey

Cape May County

William J. Brown
(January - October)

Cumberland County

Jane Jannarone

Gloucester County

Guiseppe (Joe) Chila

Ocean County

Alan Avery, Jr.

Executive Director

Nancy Wittenberg

New Jersey Pinelands Commission

P.O. Box 359

New Lisbon, NJ 08064

Photo: (609) 894-7300

Fax: (609) 894-7330

E-mail: info@njpines.state.nj.us

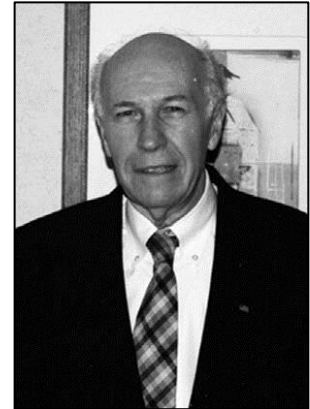
Website: www.nj.gov/pinelands

Longtime Commission member steps down

One of the longest serving members in the Pinelands Commission's history stepped down in late 2017.

William (Bill) J. Brown served as Cape May County's representative on the Pinelands Commission from March 1982 until October 2017. Brown's tenure on the Commission is the second longest in the agency's history.

A resident of Upper Township, Brown is a longtime, licensed insurance agent. He served as a Petty Officer in the U.S. Navy during World War II and he retired from 25 years of service as an engineer at the Woodbine Developmental Center.



William Brown

He served on the Commission's Personnel and Budget Committee, Public and Governmental Programs Committee, Intergovernmental Committee, By-Laws Committee and Work Plan Committee.

During his tenure, the Commission certified the master plans and land use ordinances of all 53 municipalities and seven counties in the Pinelands. It also adopted 43 amendments to the Pinelands Comprehensive Management Plan and completed four in-depth reviews of the Plan.

In December 2017, the Commission passed a resolution thanking Brown for his commitment to the Pinelands and his service as a member.

Federal representative Frank Hays (1958-2017)

The Pinelands Commission was struck by the tragic loss of one of its members as federal appointee Frank Hays passed away suddenly on March 3, 2017.

Hays was appointed as the U.S. Secretary of the Interior's designee on the Commission's 15-member board in January 2017.

At the time of his passing, Hays served as the Associate Regional Director for Resource Stewardship and Compliance in the National Park Service's Northeast Regional Office in Philadelphia. In that capacity, Hays managed the region's Cultural Resource,



Frank Hays

Natural Resource, and Resource Planning and Compliance programs. Prior to joining the Northeast Regional Office, Hays was the superintendent of the Western Arctic National Parklands (WEAR), including Cape Krusenstern National Monument, Kobuk Valley National Park, and the Noatak National Preserve.

Hays began his career with the National Park Service in 1980 as a seasonal park ranger at Zion National Park. He worked in a variety of positions at Grand Canyon National Park, Chaco Culture National Historical Park, Saguaro National Park and Dinosaur National Monument.

The Pinelands Commission's 15-member board consists of seven members who are appointed by the New Jersey Governor, one member appointed by each of the seven Pinelands counties, and one member appointed by the U.S. Secretary of the Interior. Commission members serve staggered, three-year terms and are uncompensated for their service.

Land Use & Planning



Above: The Pinelands Commission adopted several rule changes in 2017.
Photo/Paul Leakan

Pinelands Comprehensive Management Plan (CMP) Amendments

In December 2017, the Commission adopted several amendments to the Pinelands Comprehensive Management Plan (CMP), the rules that govern land use, development and natural resource protection in the Pinelands Area.

The adopted amendments:

- update the CMP's sign regulations. In recent years, a number of municipalities have adopted ordinances that authorize the use of signs that feature digital technology, including video, flashing lights and changing text. The CMP, however, prohibits the use of motion and changing lights in on- and off-site signs. Staff reviewed the on- and off-site sign standards to determine whether and where digital sign technology should be permissible in the Pinelands. Under the rule changes, the regulation of on-site signs is delegated to municipalities. Municipalities will determine whether and where on-site signs using digital technology should be permitted. The rule changes also allow existing

and new billboards in Regional Growth Areas and Pinelands Towns to use digital technology subject to certain conditions. Old, nonconforming billboards in conservation areas are prohibited from converting to digital technology;

- change the Commission’s fee schedule for reviewing development applications. The rule changes add specific fees for general development plans, reduce fees for solar energy facilities, eliminate the need for applicants to submit sworn statements of construction costs, increase most fees by 25% and update escrow provisions to include facilities, services and other unusual expenditures related to an application;
- eliminate the requirement that towns/applicants submit names and addresses of people who “actively participate” on applications at Planning Board meetings;
- define “mail” to include “e-mail,” eliminate certified mailing requirements for the Commission and towns, eliminate the requirement for applicants to post notices on properties and require the Commission to post notices on its website;
- clarify the circumstances under which municipalities will not need to install impermeable caps on their closed landfills;
- allow alternate design wastewater treatment systems to be used for the expansion of or changes to existing nonresidential uses in the Rural Development Area, Agricultural Production Area, Forest Area and infill areas; and
- authorize the use of the FAST technology for residential development on a permanent basis in recognition of its demonstrated success in meeting CMP water quality standards. The Pinelands Commission’s alternate design treatment systems pilot program has introduced eight nitrogen-reducing wastewater treatment technologies to the Pinelands Area as a means for unsewered residential development to meet Pinelands water quality standards on lots that are smaller than 3.2 acres. Three of these technologies have been permanently approved after having successfully passed a rigorous testing program. The approved technologies include the Amphidrome and Bioclere systems that are approved for use on minimum one acre parcels and the recently approved FAST technology that is now authorized for use on minimum 1.4 acre parcels. The remaining four technologies that are subject to continued piloting include the BioBarrier, Busse GT, Hoot ANR, and SeptiTech systems.

Off-road Vehicle Damage in Wharton State Forest

Throughout 2017, the Commission took several steps to help combat the damages wrought by off-road vehicle use in Wharton State Forest, a 122,880 acre forest located in the Pinelands.

In recent years, users of Wharton State Forest have voiced concerns about the extensive damages being caused by illegal, off-road vehicle use in the forest.

In October 2016, Commission staff compiled and provided the New Jersey Department of Environmental Protection (NJDEP) with a database of sites within Wharton State Forest that have been damaged by off-road vehicle use. Commission staff also provided the NJDEP with guidance on a pilot project that resulted in the installation of wooden barriers that seek to protect intermittent ponds in Wharton State Forest from off-road vehicle damage. The barriers were installed in early 2017. (Please see the photo below.)

In 2017, after receiving and considering extensive public comment on the matter, the Commission assembled sections of United States Geological Survey Topographic maps from 1972, 1981, 1995 and 1995 to establish a map depicting the existing roads in Wharton State Forest.



Above: In 2017, Pinelands Commission staff helped to provide the NJDEP with guidance on a project that resulted in the installation of wooden barriers that protect intermittent ponds such as this one in Wharton State Forest. Photo/John Bunnell

In September 2017, the Commission adopted a resolution that uses these roads as a baseline for existing roads in Wharton State Forest, while designating these roads as being appropriate for recreational use by motor vehicles. The resolution was forwarded to the NJDEP, and the

Commission has continued to work with the department on efforts to address illegal, off-road vehicle use in the forest.

Pinelands Long-Term Economic Monitoring Program Re-examination

Commission staff commenced a re-examination of the Pinelands Long-Term Economic Monitoring (LTEM) Program in the spring of 2017. The goal of the LTEM program is to continually evaluate the health of the Pinelands economy in an objective and reliable way. Since its inception in the mid-1990s, this program, in conjunction with the Long-Term Environmental Monitoring program, has provided essential information to the Pinelands Commission and its stakeholders.

A re-examination of the program was initiated upon the recommendation of the National Park Service, who has funded both monitoring programs since their inception. As part of this re-examination process, staff facilitated two stakeholder meetings to receive feedback on the existing products of the program as well as how the program could be improved. The first stakeholder meeting was held on August 9, 2017 and was attended by 20 invitees affiliated with various local governmental and non-governmental agencies involved in community and economic development. The second meeting was held October 27, 2017 and was attended by 10 invitees with expertise in the available data and analytical methods germane to the work of the LTEM program.

The Commission also contracted with Rutgers University faculty to attend both stakeholder meetings and to provide a report that evaluated the content and format of the annual LTEM report. Rutgers' report also provided recommendations for improvement and suggestions for potential special studies. The report was finalized in June of 2018.

Staff will be working to implement recommendations from the process in the next year.

Long-Term Comprehensive Wastewater Plan in Hammonton

Throughout much of 2015 and all of 2016 and 2017, the Town of Hammonton has worked to successfully eliminate all wastewater discharges to Hammonton Creek. This achievement is the direct result of the Town's investment in a state-of-the-art drip irrigation system along with its operation of its network of groundwater recharge lagoons, all of which brings the Town's wastewater treatment facility into full compliance with the Pinelands Comprehensive Management Plan (CMP).

Hammonton's drip irrigation system was first installed as a small scale pilot project with drip

tubing placed above ground on a wooded plot adjacent to the infiltration lagoons. After that small sale system was proven to be reliable, additional drip tubing was installed on a larger wooded area on the facility. Subsequently, subsurface drip tubing was installed at multiple depths beneath the Town's nearby recreational turf fields resulting in the conservation of potable water supplies that were once used to irrigate the turf fields.

In addition to the Town's construction and successful operation of its effluent dispersal facilities, Hammonton has also undertaken a program to identify and replace aging sewerage lines. Replacing these lines has eliminated groundwater and stormwater from entering the collection system, thereby reducing the volume of wastewater that needs to be treated and ultimately dispersed at the Town's wastewater treatment facility.

Hammonton's approach to improve water quality in Hammonton Creek and to conserve potable water supplies through the beneficial reuse of treated wastewater was brought about through compliance with the Pinelands CMP and cooperation between the Town of Hammonton and the Pinelands Commission.

Reviewing Municipal Ordinances

Amendments to certified county and municipal master plans and land use ordinances must be submitted to, and approved by, the Commission. During 2017, the Commission received and reviewed 140 ordinance and master plan amendments from 29 different municipalities. This included Housing Elements and Fair Share Plans from several municipalities seeking to address their affordable housing obligations, as well as redevelopment plans for the Shoreline Sand and Gravel property in Barnegat Township, a commercial property in Maurice River Township, the Browns Mills Center in Pemberton Township, the Municipal Landfill Redevelopment Area in South Toms River Borough and the Haines Boulevard Redevelopment Area in Waterford Township.

Pinelands Archaeology and Anthropology Symposium

As part of its efforts to identify, protect and document cultural resources of significance to the Pinelands, the Commission hosted an archaeology and anthropology symposium at its headquarters in October 2017.

The event was held in conjunction with the Archaeological Society of New Jersey, and it brought together a host of New Jersey archaeologists and anthropologists who presented and discussed papers on current cultural resource topics relevant to the Pinelands Area.

One of the papers detailed recent excavations at the Cedar Bridge Tavern in Barnegat. The site is listed on the State and National Registers of Historic Places. The tavern is recognized for its distinction as possibly the oldest intact colonial period bar in the United States, and it is believed to have been the site of one of the last recorded skirmishes of the Revolutionary War in 1782.

The papers provided new information about the Pinelands and contributed data that may be used for future planning, particularly for the possible refinement of cultural resource survey requirements within certain geographic areas of the Pinelands.

Permanent Land Protection

Pinelands Conservation Fund

In April 2017, the Pinelands Commission announced a new round of funding that includes a new criterion to permanently preserve properties damaged by off-road vehicle use.

The Commission designated a total of \$500,000 from the Pinelands Conservation Fund (PCF) toward the acquisition of lands in the Pinelands Area that feature significant ecological, cultural, historical and/or agricultural values. In conjunction with the Commission's interest to protect the Pinelands environment from the impacts of off-road vehicle abuse, the round of funding placed a new emphasis on preserving lands that contain evidence of off-road vehicle damage.

A total of eight projects were submitted for consideration, requesting a total of \$772,183 for the acquisition and permanent preservation of 1,142 acres. Ultimately, the Commission allocated funding for four projects, accounting for the full \$500,000. These projects were in the process of being acquired at the close of 2017.

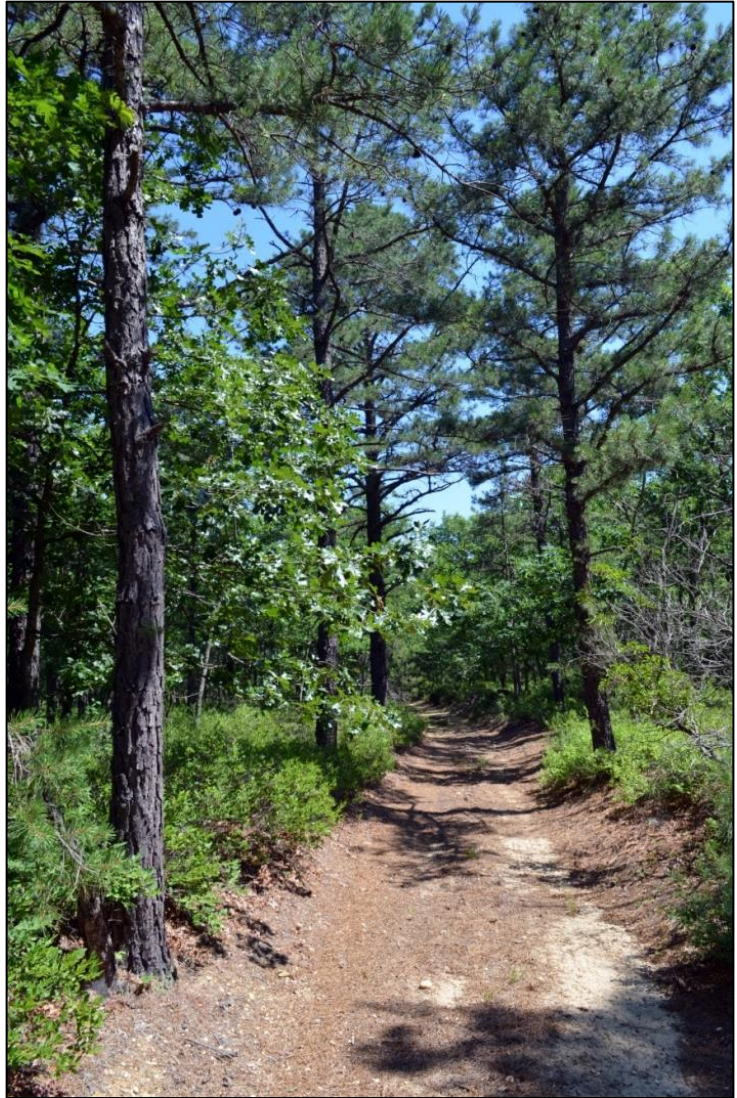
From 2007 to 2017, the Commission contributed \$9.4 million to 40 land acquisition projects in the Pinelands Area. Thirty-six of the 40 projects have been completed as of December 31, 2017, resulting in the permanent protection of 8,188 acres.

The PCF was created in 2004 as part of an agreement with the New Jersey Board of Public Utilities to permit the construction and upgrade of an electric transmission line through eastern portions of the Pinelands. Under the agreement, the special fund was established to further the Pinelands protection program and ensure a greater level of protection of the unique resources of the Pinelands Area.

The utility that built the transmission lines, Atlantic City Electric (formerly Conectiv), provided \$13 million to establish the fund. The policies for the PCF include four principal objectives: permanent land protection, planning and research activities, education and outreach and community planning and design.

Pinelands Development Credit Program

The Pinelands Development Credit Program is a regional transfer of development rights program that preserves important agricultural and ecological land. Pinelands Development Credits (PDCs) are allocated to landowners in Pinelands-designated Preservation, Agricultural and Special Agricultural Production Areas, which are the sending areas. These credits can be purchased by property owners and developers who are interested in developing land in Pinelands-designated Regional Growth Areas, which serve as the receiving areas, and can be used to increase the densities at which they build. Once those credits are “severed” from a sending area property, the property is permanently protected by a conservation or agricultural deed restriction and credits on the property can be sold. Credits are bought and sold in one-quarter credit units called “rights.”



Above: In 2017, the Commission allocated PCF funding to help preserve the 44-acre Daniels property in the Forked River Mountains in Ocean Township. Ocean County closed on the property in December 2017. Photo/Paul Leakan

Zero rights were severed in 2017. A total of 6,043 rights were severed from 1982 to 2016, protecting 52,346 acres. In 2017, the mean sales price of PDCs was \$8,900 per right.

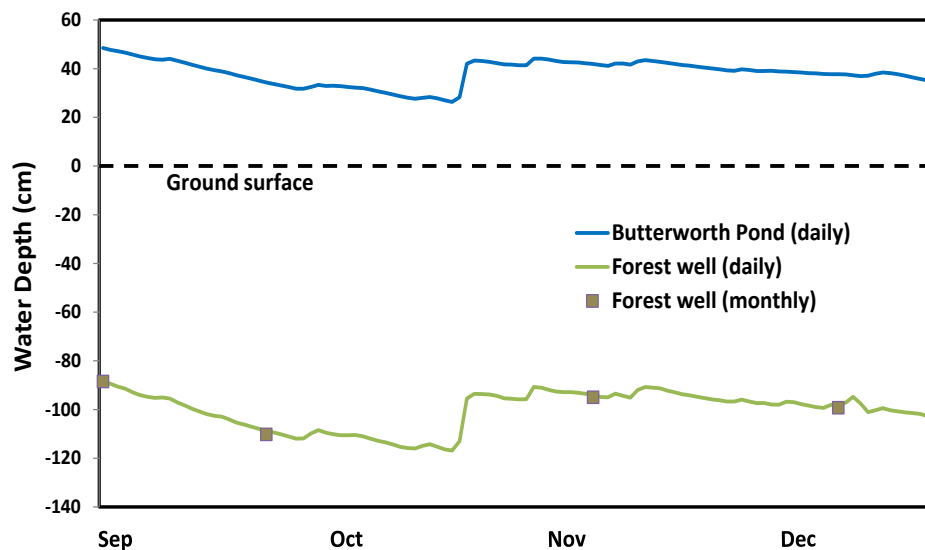
Science and Research Activities

Long-term Environmental Monitoring Program

In 2017, Commission scientists continued to conduct Long-term Environmental Monitoring Program research.

As part of the Commission water-level monitoring in the Pinelands, scientists have recorded water levels at 35 forest plots and 30 ponds on a monthly basis, and maintained continuous water-level recording devices installed in seven other ponds. In the fall of 2017, scientists installed a continuous water-level recorder in a shallow observation well associated with a pine lowland forest plot that has been monitored since 1986.

Comparisons of the continuous (daily) and monthly water levels for the same site can give insight into changes in water levels associated with storm events as well as other aspects of wetland hydrology. Long-term pond and forest-plot water-level data can also be used to determine if wetland water levels and pond hydroperiods (the length of time a pond holds water in a year) are changing over time.



Above: A hydrograph displaying water-level fluctuations over a four-month period in 2017 for a Pinelands pond and a pine lowland forest plot studied as part of the Long-term Monitoring Program.

Other 2017 Long-term Environmental Monitoring Program activities included measuring water quality at 47 stream sites, which has occurred on a bimonthly basis since 2006, and monitoring calling frogs and toads at a set of 20 ponds that have been studied since 1996.

Pond-vulnerability Study

Commission scientists continued to make progress on a study to characterize the vulnerability of Pinelands ponds to surrounding land uses and off-road vehicles. These ponds are typically called “intermittent” because they are not usually connected to streams and occasionally dry out, creating largely fishless environments that serve as important breeding grounds for frogs and toads, such as the rare Pine Barrens treefrog. Intermittent ponds also provide habitat for many rare plants.

Scientists began the first phase of the project by using aerial photography to compile an inventory of 2,742 natural ponds throughout the million-acre Pinelands Area. Ninety-nine of these ponds were selected for more in-depth study.



Above: This Calico Pennant, one of 42 dragonfly species found in the study, perches on a sedge at a natural pond in Camden County. Photo/Patrick Burritt

From 2014-2016, scientists monitored water quality and water

levels and completed plant, frog and toad, fish, and dragonfly and damselfly surveys at the 99 ponds. In another component of the study, Commission scientists and cooperators from the New Jersey Department of Environmental Protection and Pinelands Preservation Alliance used a combination of aerial photo interpretation and on-site visits to assess pond damage from off-road vehicles. In 2017, Commission scientists began data analysis and preparation of the final report with the goal of quantifying the impact of land use on these ponds. The final report is expected to be completed in 2018.

The Commission can use the results of this study to identify and prioritize ponds that need

enhanced protection and evaluate potential planning and regulatory measures to better protect these ponds.

The study is being funded, in part, by a grant from the U.S. Environmental Protection Agency (EPA). The Commission is supplementing the EPA grant funding by contributing funds from its Pinelands Conservation Fund (please see pages 7-8 for more information about the Fund).

Created-wetland Study

Like natural wetlands, created wetlands can provide the habitat necessary for wetland-dependent plants and animals, especially in human-dominated landscapes where natural wetlands may have been degraded or eliminated. As part of another study, Commission

scientists mapped the location of two types of created wetlands commonly found in the Pinelands, shallow excavations that intercept the groundwater (excavated ponds) and excavations designed to receive stormwater (stormwater basins). A total of 1,690 excavated ponds and 1,418 stormwater basins have been mapped. Fifty-two excavated ponds and 46 stormwater basins were selected for more in-depth study.



Above: Bayonet rush, a native Pinelands species, dominates this excavated pond in Atlantic County. Photo/Kim Laidig

As part of the study, scientists will compare landscape, water-quality, hydrologic, and biological attributes between both types of created wetlands and the natural ponds from the Pond-vulnerability Study described above. In collaboration with the U.S. Geological Survey and Montclair University, sites that represent a subset of each type of wetland were selected to sample for pesticides and amphibian pathogens. From 2014-2016, scientists monitored water

quality and water levels and completed plant and animal surveys at the 98 created wetlands, and sampled the subset of each wetland type for pesticides and pathogens. Using the same methodology as in the Pond-vulnerability Study, excavated ponds were assessed for damage from off-road vehicles.

In 2017, Commission scientists initiated data analysis to quantify the impact of land use on these wetlands and compare created wetlands to natural ponds from the Pond-vulnerability Study. The final report will combine the results of the created-wetland and pond-vulnerability studies and be released in 2018.

As with the Pond-vulnerability Study, the Created-wetland Study is also being funded by a grant from the U.S. EPA and a match by the Commission through the Pinelands Conservation Fund (please see pages 7-8 for additional information about the Fund).

Microorganism Study

In 2017, the Commission was awarded funding for a grant proposal, titled “Effects of land use on water quality and microorganisms in natural ponds, excavated ponds, and stormwater basins.” The proposed research will utilize a subset of the natural ponds, excavated ponds, and stormwater basin study sites from the pond-vulnerability and created-wetland studies for further monitoring and assessment.

In this project, Commission scientists and collaborators with the N. J. Department of Environmental Protection and U.S. Geological Survey will sample the surface water at all three wetland types for nutrients, metals, pesticides, and chlorophyll-a (an indirect measure of algal plant growth). Scientists will also characterize several groups of organisms that have historically received little attention in Pinelands wetlands. These organisms include periphyton (single-celled and soft-bodied algae attached to substrate), phytoplankton (free-floating algae in the



Above: This toe-biter, or giant water bug, is a large benthic macroinvertebrate that inhabits Pinelands ponds.

Photo/John Bunnell

water column), zooplankton (tiny animals that swim or drift in the water column), and benthic macroinvertebrates (primarily aquatic larval insects). The ultimate goals of this study are to assess the relationship between surrounding land use and the various water-quality and biological attributes and to more fully compare the functional equivalency of natural and created wetlands. Field work is scheduled to begin in the coming year.

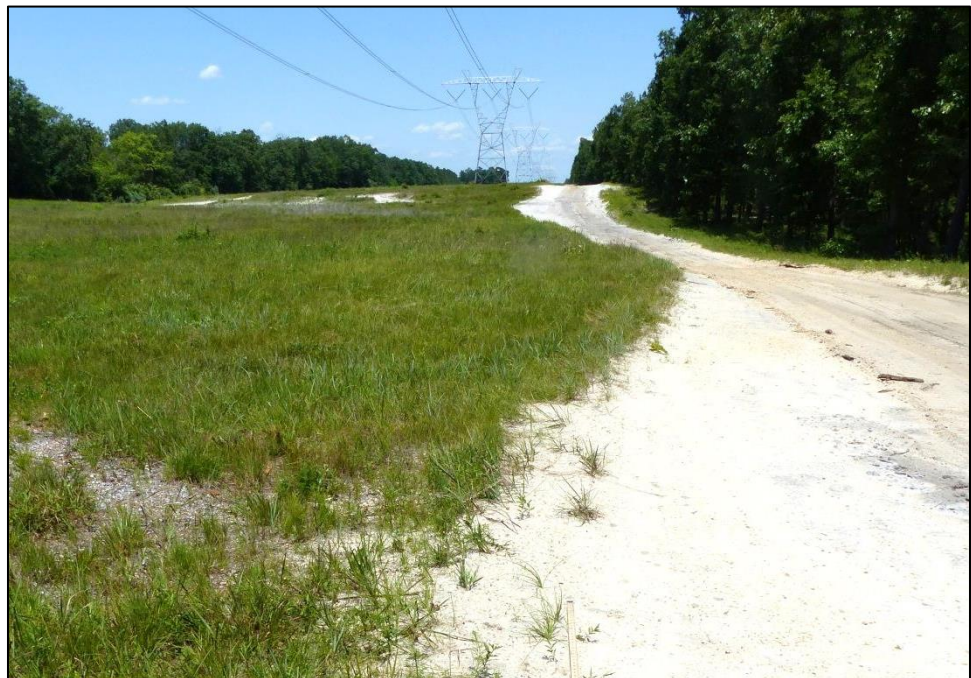
This research is being funded by a grant from the U.S. EPA and a match by the Commission through the Pinelands Conservation Fund (please see page 8 for additional information about the Fund).

Right-of-way Vegetation Monitoring

In cooperation with the New Jersey Board of Public Utilities, Atlantic City Electric, Jersey Central Power and Light, and Public Service Electric and Gas, the Commission initiated a pilot program in 2009 to implement a vegetation-management plan for the land beneath high-voltage electric-transmission lines in the Pinelands.

As part of that pilot program, each year, Commission scientists monitor vegetation in the managed rights-of-way in plots that represent different vegetation type/vegetation-management prescription combinations. The monitoring will help determine if the vegetation-

management prescriptions have resulted in relatively stable and sustainable early successional habitats that are characteristic of the Pinelands and which provide habitat for native-Pinelands plants and animals, including threatened and endangered species. In 2012, scientists measured



Above: In 2017, Commission scientists conducted additional plant surveys along access roads and near towers in electric-transmission rights-of-way such as this one in Camden County. Photo/Kim Laidig

vegetation in reference plots in the forest adjacent to each managed right-of-way to determine if the right-of-way vegetation was similar to and characteristic of the nearby Pinelands forest.

In 2017, scientists completed the routine annual vegetation surveys at the established monitoring plots. Additional plant surveys were conducted near transmission towers and access roads to compare the plant species associated with these high-disturbance areas and the established monitoring plots. Commission scientists also completed an analysis that compared the woody vegetation found in the managed right-of-way plots and the adjacent forest plots measured in 2012. Other than the manual removal of trees or mowing of vegetation in the right-of-way plots, no major differences in woody plant communities, dominant shrub cover, or the number of woody species were found between right-of-way and adjacent-forest plots. Additional analysis of the vegetation data will occur in the coming year.

The pilot program is funded by Atlantic City Electric, Jersey Central Power and Light, and Public Service Electric and Gas.

Endocrine Disruption Study

The William Penn Foundation recently dedicated significant funding towards scientific research in the Delaware River Watershed through the Delaware Watershed Research Fund. The Academy of Natural Sciences is administering the funding. The Kirkwood-Cohansey aquifer, which underlies the Pinelands, was identified as one of the research areas eligible for funding. Commission and USGS scientists proposed a study to investigate point and non-point sources of endocrine disrupting chemicals and the potential impacts on fish and frogs in the Pinelands. The proposed study was awarded funding in 2016.

The endocrine system is a collection of tissues in animals that produce hormones to regulate essential life processes, such as metabolism, tissue function,



Above: Water, frogs, and fish, such as this non-native largemouth bass, will be sampled for evidence of endocrine disrupting chemicals. Photo/John Bunnell

reproduction, and development. A large group of natural and synthetic chemicals are known to disrupt endocrine function. Examples include plant hormones, plastic components, flame retardants, surfactants, fragrances, pesticides, etc. Endocrine disrupting chemicals, or EDCs, are a global environmental problem and have been linked to reproductive and developmental abnormalities in a variety of animal species, especially fish and amphibians.

Commission and U.S. Geological Survey scientists will sample water chemistry and fish above and below municipal wastewater treatment plants, which represent direct point sources of EDCs, and water chemistry and frogs at ponds and stormwater basins, which may receive indirect non-point sources of EDCs from runoff and the aquifer. Results from these sites will be compared to those from appropriate minimally impacted reference sites.

In 2017, field work began on the off-stream component of the project relating to water chemistry and frogs at ponds and stormwater basins. Water samples and green frogs were collected from a portion of the study sites for chemical and histological analyses, respectively. Data collection at on-stream sites will be initiated in the coming year.

The study is being funded by a grant from the Delaware Watershed Research Fund, a match by the Pinelands Commission, and a match by the USGS.

Regulatory Activities

Permitting

The Commission's staff reviews municipal and county (public) permitting decisions and private development applications to determine compliance with the Pinelands Comprehensive Management Plan. In 2017, the Commission's Project Review Office received 523 new applications (including public and private applications).

During the year, actions were taken on 1,737 applications. A total of 22 actions were taken on applications through the Local Review Officer Program, which expedites the approval process by having municipal officers review certain applications, without the need for the Commission's review first, and through streamlining agreements.

The Pinelands Commission approved 38 development applications from local, county and state entities in 2017, including:

- the establishment of a 13,200 linear foot hiking trail in Evesham Township;

- the establishment of a 6.26-acre cemetery in Shamong Township;
- the construction of a 190-foot-high local communications tower and 5,000-square-foot equipment compound in Waterford Township;
- the construction of an 800 linear foot access road and the installation of nine groundwater monitoring wells located on the same parcel as the closed, but uncapped, City of Estell Manor landfill;
- forest thinning in Brendan Byrne State Forest to reduce competition-induced mortality and reduce the risk of wildfire and attacks by southern pine beetles;
- forest thinning on another area of Brendan Byrne State Forest to regenerate and restore native shortleaf pine;
- construction of a 150-foot-high local communication facility in Manchester Township;
- the widening of Amelia Earhart Boulevard and Airport Road in Egg Harbor Township;
- the widening of Taunton Lakes Road in Evesham Township;
- the construction of a 200-foot-high wireless communication tower and 4,900-square-foot accessory equipment compound in Pemberton Township;
- the construction of a 194.5-foot-high wireless communication tower and associated 3,600-square-foot equipment compound in Jackson Township;

The Commission also has the authority to issue Freshwater Wetland General Permits in the Pinelands Area on behalf of the New Jersey Department of Environmental Protection. The Commission issued nine such permits in 2017.

South Jersey Gas Pipeline

On February 24, 2017, the Commission voted 9-5 to approve the South Jersey Gas Company's application to install a natural gas pipeline in the southern portion of the Pinelands.

South Jersey Gas applied to build the pipeline in July 2012. The Commission's staff drafted an inconsistent Certificate of Filing in July 2013. The agency then considered entering into a Memorandum of Agreement (MOA) that would allow the project to move forward. However,

the proposed MOA did not garner the eight affirmative votes needed for its passage.

South Jersey Gas provided additional information in its amended application in May 2015. The Commission's staff issued a Certificate of Filing in August 2015, deeming the project consistent with Pinelands rules. In response to legal filings, the Appellate Division of the Superior Court of New Jersey issued a decision that remanded the Certificate of Filing back to the Commission for its review of the staff's consistency determination.

New Jersey Natural Gas Pipeline

On September 14, 2017, the Commission voted 8-4 to approve the New Jersey Natural Gas Company's proposal to install a natural gas pipeline in the Pinelands.

New Jersey Natural Gas' application calls for building 12.1 miles of a 30-inch natural gas main within the existing rights-of-way along Route 539 and Route 547 in Jackson Township, Manchester Township and Plumsted Township in the Pinelands. The total length of the project is 30 miles, as it would start in Chesterfield Township, Burlington County, which is outside of the Pinelands.

New Jersey Natural Gas applied to build the pipeline in April 2015. The Pinelands Commission issued a Consistent Certificate of Filing for the project on December 9, 2015.

As was the case with the South Jersey Gas application, several legal appeals were filed. In December 2016, the Pinelands Commission adopted a resolution seeking a remand from the Appellate Division so that the Commission can review the staff's consistency determination in accordance with the same process that will be followed for the South Jersey Gas application.

The Commission's staff accepted and reviewed public comments, then issued a report recommending that the application be approved by full Commission.

Violations

The Pinelands Commission continues its efforts to provide assistance to municipalities in pursuing and resolving violations of the local land use ordinances and Pinelands regulations. A total of 47 violations were identified in 2017.

Commission staff members work with Pinelands municipalities to resolve violations. One example of a violation that was resolved in 2017 involved the clearing of 7,000 square feet of land for recreational purposes and the establishment of a gun range in Ocean Township. The

clearing requires an application to the Commission, and the gun range is not a permitted use on the parcel. The Township's Zoning Officer advised the Commission of the violation. The Commission notified the landowner of the violation, noting that the gun range must be removed. Additionally, the landowner was required to submit a schedule for restoring and reforesting the cleared land. The owner of the land has submitted a reforestation plan, which was accepted by the Commission's staff.

Public Information, Participation & Education

Outreach and Education

The Commission's Communications and Public Programs Office staff handled 130 press inquiries and responded to more than 6,200 public inquiries regarding the Pinelands in 2017.

Staff organized and carried out its eleventh annual, Pinelands-themed World Water Monitoring Challenge event. Held at the historic Batsto Village, the event attracted nearly 200 students and teachers who gauged Pinelands water quality and learned about the importance of protecting the region's unique natural and historic resources.



Above: Commission staff educated nearly 250 students during the World Water Monitoring Challenge at Batsto in 2017.

Photo/Paul Leakan

The students measured the levels of pH or acidity in water, as well as water clarity, temperature and dissolved oxygen. Water in the Pinelands is generally undisturbed, has a low pH and low dissolved solids, enabling it to support uniquely adapted Pinelands plants and animals. The students' findings were posted on the World Water Monitoring Day Web site, where test results can be compared over time. In addition to assisting with the water tests, staff from the Pinelands Commission used nets to catch native Pinelands fish and demonstrated how the Commission protects wetlands and habitat for rare plants and animals. In addition to the World Water Monitoring Challenge, Commission staff members educated approximately 700 students during in-class education programs and field trips in 2017.

Pinelands Short Course: Two events in one year

In 2017, the Commission and Stockton University teamed up to organize and carry out the 28th annual Pinelands Short Course on March 11th and the first-ever Summer Short Course on July 27th.

The event in March was held at Stockton's main campus in Galloway Township, while the event in July was held at Stockton's Kramer Hall academic building in the Town of Hammonton.

More than 600 people attended the March event, which featured 38 presentations that explored the unique history, ecology, culture and music of the Pinelands.

Meanwhile, the Summer Short Course attracted 80 participants, and it included six field trips and seven classroom presentations.



Above: Attendees of the first-ever Pinelands Summer Short Course had an opportunity to sample blueberries during a tour of the Atlantic Blueberry Farm in Hammonton. Photo/Paul Leakan

Both events are registered with the New Jersey Department of Education, and professional development credits are available to New Jersey teachers who attend.

Pinelands Exhibits

The Commission continued to advance a major project to install Pinelands-themed exhibits in portions of its headquarters. During 2017, the Commission staff worked to obtain all necessary permits for the construction and installation of the exhibits. Construction is expected to commence in 2018.

Finances

Fiscal & Budget

The Commissions Operating Budget for Fiscal Year 2018 totaled \$5,025,838. Of this, \$4,286,323, or 85% percent, was budgeted for personnel expenses.

Budgeted revenue sources included \$658,500 in federal grants, a \$2,649,000.00 State appropriation, \$781,800 in State grants and other State funding, \$340,000 in application fees and \$596,538 from the Commissions fund balance and reserves.

The 2018 budget for the Kirkwood-Cohansey Study, funded through legislation passed in 2001, was \$163,792. The budget for the Pinelands Conservation Fund was \$1,299,075.

The Commissions Audit Report for Fiscal Year 2016, which ended June 30, 2016, is posted on the State Auditors web site. The website address is:

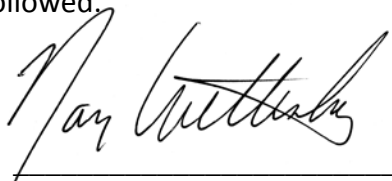
http://www.njleg.state.nj.us/legislativepub/auditreports_department.asp.

Pinelands Application Fees

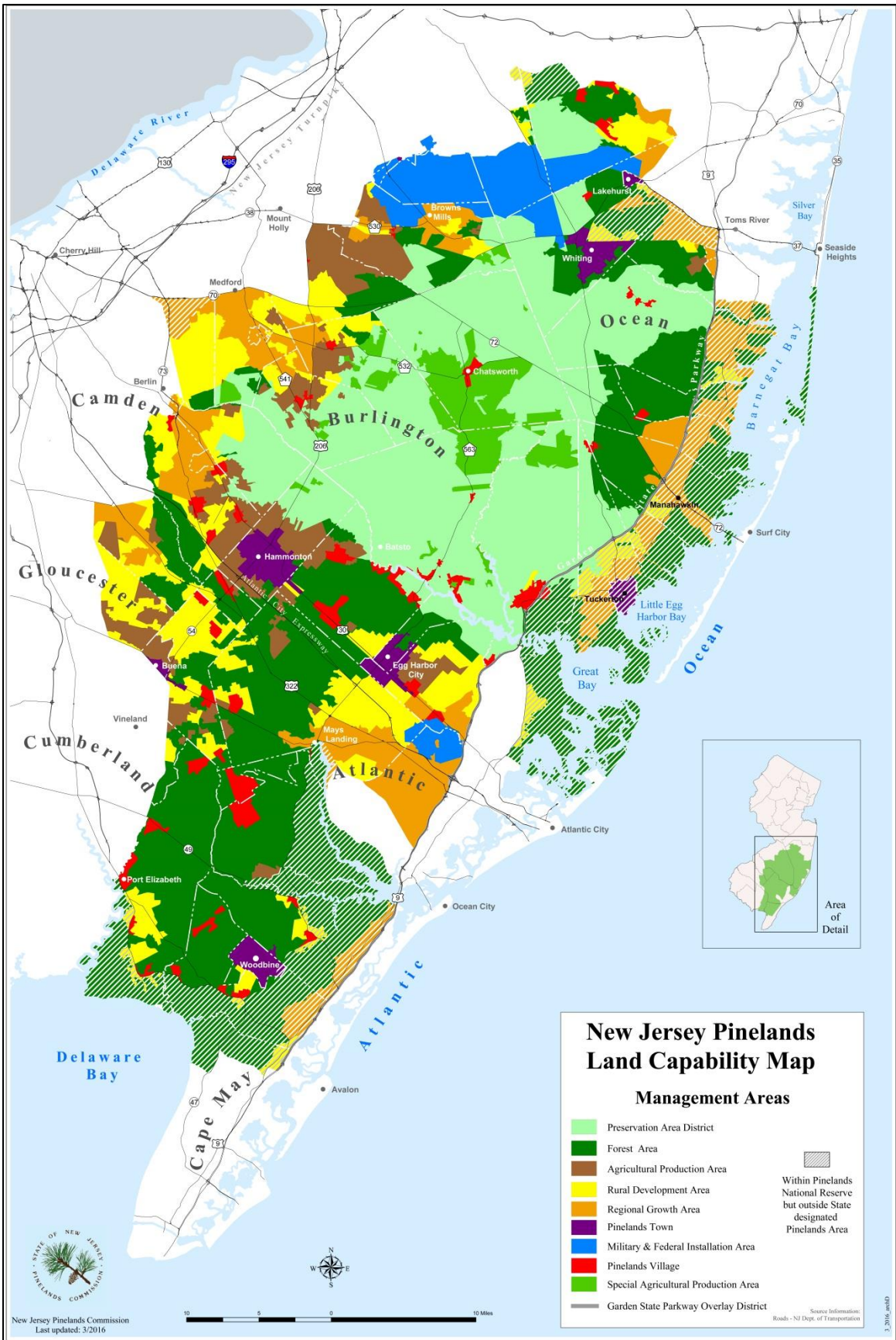
Since April 2004, the Pinelands Commission has received application fees to partially underwrite the direct costs associated with reviewing development applications in the Pinelands Area. During Fiscal Year 2018, unaudited application fee revenues totaled \$412,882 (\$69,684 more than Fiscal Year 2017).

Certification

As required by State Executive Order #37, all State authorities are required to certify that during the preceding year the authority has, to the best of its knowledge, followed all of the authority's standards, procedures, and internal controls. I hereby certify to the best of my knowledge that, during the 2017 calendar year, all of the Commission's standards, procedures, and internal controls were followed.



Nancy Wittenberg
Executive Director





PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands




SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

MEMORANDUM

To: Members of the Pinelands Commission

From: Susan R. Grogan 
Chief Planner

Date: July 31, 2018

Subject: No Substantial Issue Findings

During the past month, we reviewed seven ordinance amendments that we found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan. These amendments were:

Berkeley Township Ordinance 18-22-OAB - amends Chapter XXXV (Land Development) of the Township's Code in response to amendments to the CMP. These amendments include revisions to: definitions; types of development exempt from application; notice requirements; provisions related to advanced wastewater treatment systems; and provisions related to Pinelands Development Credit deed restrictions.

Egg Harbor Township Ordinance 34-2018 - amends Chapter 225 (Zoning) of the Township's Code with respect to signs. In particular, the ordinance revises signs exempt from requiring a permit, prohibited signs, as well as regulations specific to zoning districts. The ordinance also includes additional standards for digital billboards in the Pinelands Regional Growth Area consistent with recent amendments to the CMP.

Hamilton Township Ordinance 1879-2018 - amends Chapter 203 (Land Use and Development) of the Township's Code in response to amendments to the CMP related to: definitions; types of development exempt from application; notice requirements; and provisions for the installation of advanced wastewater treatment systems. The ordinance also amends Section 203-134, Performance and Maintenance Guaranties, by revising the types of site improvements for which the Township may require a developer to post a performance or maintenance guaranty, procedures for establishing the amount to be posted as well as procedures for the payment of fees related to the inspection of site improvements by Township professionals.

Lacey Township Ordinance 2018-20 - amends Chapter 335 (Zoning) of the Township's Code in response to amendments to the CMP. These amendments include revisions to: definitions; types of

development exempt from application; notice requirements; and provisions for the installation of advanced wastewater treatment systems.

Waterford Township Ordinance 2018-13 - amends Chapter 176 (Land Use, Development and Zoning) of the Township's Code in response to amendments to the CMP. These amendments include revisions to: definitions; types of development exempt from application; notice requirements; provisions related to advanced wastewater treatment systems; and provisions related to Pinelands Development Credit deed restrictions.

Weymouth Township Ordinance 563-201 - amends Chapter 155 (Land Use) of the Township's Code in response to amendments to the CMP. These amendments include revisions to: definitions; types of development exempt from application; notice requirements; and provisions for the installation of advanced wastewater treatment systems.

Woodbine Borough Ordinance 574-2018 - amends Chapter XXVI (Zoning) of the Borough's Code in response to amendments to the CMP. These amendments include revisions to: definitions; types of development exempt from application; notice requirements; and provisions for the installation of advanced wastewater treatment systems.